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November 3, 1999

New York Voters Strongly Reject Charter Revision

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By ELISABETH BUMILLER

New York voters resoundingly rejected revisions to the City Charter on Tuesday in a defeat for Mayor Rudolph W. Giuliani, who had campaigned for the changes as a referendum on his policies. The vote was a victory for Mark Green, the Public Advocate, and other Democratic politicians, who had criticized the revisions as a mayoral power grab.

"The mayor picked this fight, and now lost this fight," Green said last night at a celebration at the Two Boots restaurant in the East Village. "Although City Hall outspent our grass roots coalition 10-to-1, our effort won by 3-to-1 because New Yorkers know a scam when they see one."

Giuliani conceded late last night that he should not have promoted such changes this year, and urged the City Council to pass legislation reflecting the goals of many of the charter proposals.

"I made a mistake in presenting charter revision this year," Mayor Giuliani said in a news conference at the St. Regis Hotel in Midtown. "The vote against it makes it clear that it was a mistake,

and I accept responsibility for it and certainly respect the views of the voters."

Giuliani, in an unusually conciliatory tone, congratulated "the people who ran the campaign on the other side. They did a very good job, and they're entitled to feel elated by the victory."

Giuliani had been expected to use a charter victory as evidence of voter support for his programs in the 2000 Senate race as a likely opponent of Hillary Rodham Clinton.

Peter Vallone, the speaker of the City Council, who had campaigned against the charter revisions, said the results were "sweeter than any personal victory I've ever had" and that it proved "that you can never underestimate the intelligence of the voters." Voters understood, he said, that the mayor "was using the charter revision for political purposes, as a weapon."

With 100 percent of unofficial returns tallied by 11:20 p.m., the vote was 76 percent to 24 percent against charter revision, or 281,265 people opposed and 90,838 in favor.

The Board of Elections reported that 11 percent of the city's 3.4 million registered voters turned out on a rainy, blustery day in an off-year election with few major races at stake. But opponents of the charter revision said they believed that voters turned out in relatively high numbers on the Upper East Side, the Upper West Side, in Park Slope and in Brooklyn Heights -- heavily Democratic areas targeted by charter revision opponents. Critics of the changes had predicted that a low turnout would help their side, and argued that only people who were strongly against the charter changes would make the effort to vote.

The most important changes would have required a two-thirds vote of the City Council to approve certain tax increases and would have imposed a cap on city spending tied to the rate of inflation. Giuliani said the changes were necessary because, in essence, he could trust no future mayor with the fiscal discipline he said he has imposed on the city. Therefore, he said, he had to create a "shadow" of himself.

Critics countered that Giuliani was behaving like a despot, and that he was trying to seize control of city spending. Critics also said the proposals would make it so difficult to raise taxes that future City Councils might be forced to increase property taxes instead, which would have been exempt from the two-thirds rule under the charter changes.

Among the most politically popular proposals was a requirement for gun-free zones around city schools, the first of the 14 revisions listed altogether on the ballot as Proposition 2, which voters had to vote for or against as an entire package. Critics said such changes should have been more properly enacted through the normal legislative channels of the City Council, and not by changing the city's basic governing document.

Both the mayor and Democratic officials had campaigned extensively for and against charter revision in the week before the

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election, provoking criticism from good-government groups who said both sides were stepping over a legal line. Under state law, taxpayer-funded entities, like the mayor's office and the City Council, may "educate" but not "advocate" about the contents and consequences of ballot questions. Although neither side explicitly said "vote for" or "vote against" in a series of mailings to voters, critics said the views were implicit.

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The Charter Revision Commission also spent taxpayer money on television cable commercials.

"This has been a pretty shabby week in New York politics," said Conn Nugent, the executive director of Citizens Union, a civic group. Nugent said that the mayor and Randy Mastro, the commission's chairman and a former deputy mayor under Giuliani, had gone further over the line than the opposition, and had spent what he estimated to be at least \$1 million of taxpayer money.

"Those guys are getting away with murder," he said.

The mayor's political action committee, Solutions America, also paid for radio commercials and prerecorded phone calls from Giuliani that did urge people to vote yes, as is allowed with private funds. The calls from Giuliani had startled many voters, and opponents said last night that they may have backfired.

Although voters seemed to see the proposed charter revision as a deeply uninteresting government debate, the changes were in fact born out of a political feud between Giuliani and one of his most nettlesome tormentors, Green, that has rarely been dull. When the Mayor announced the creation of a Charter Revision Commission in June, for example, he did not even bother to deny that a primary motivation was to block the liberal Green from succeeding him as Mayor -- a nightmare scenario, in the eyes of Giuliani, that would take the city back to the days of high taxes, rampant crime and a politician unable to say no to the city's special interest groups.

Under the original proposals, the commission would have required a special election within 60 days if the mayor leaves office early, as could happen if Giuliani is elected to the Senate in 2000 with a year left in his term for mayor. Under the charter's current provisions, the Public Advocate automatically finishes the term of any mayor who leaves office early.

Critics immediately attacked the special election proposal as a vendetta by Giuliani against Green, who by the nature of his job and his temperament has aggravated the mayor since since both men took office in 1994. Randy Mastro, the commission's chairman and a former deputy mayor under Giuliani, eventually retreated under the assaults, and in September announced that the commission would delay the special election provision until 2002, when both Green and Giuliani are out of office.

Had the voters approved the changes, the rest of the revisions would have gone into effect on Jan. 1, 2000.

Without an impending confrontation between two contentious political personalities, both Giuliani and Green seemed to lose interest in the proposed changes. As recently as three weeks before the election, the most striking thing about each side was its silence although both said they were reserving their money for public education campaigns just before the election.

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Last Monday, Giuliani finally made a speech strongly urging voters to support the charter changes. Meanwhile, a coalition of labor groups and Vote No on Charter Inc., an advocacy group led by Richard Schrader, who is on leave as Green's chief of public affairs, had been busy canvassing, sending out mailings and operating phone banks.

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Settlement Reached in Suit Against Working Families Party

By Michael Powell

Feb. 23, 2010

The Working Families Party, perhaps the state's most influential third party, has settled a lawsuit by agreeing to greatly distance itself from its for-profit subsidiary, a much respected and much criticized company that provided campaign services.

And Councilwoman Debi Rose, a Staten Island Democrat who was elected in November with the help of the subsidiary, Data and Field Services, has agreed to pay it an additional \$13,000 for its services.

Ms. Rose and party officials took these steps to settle a lawsuit brought on behalf of Staten Island Republicans by Randy Mastro, a former deputy mayor for Rudolph W. Giuliani. His lawsuit had accused the left-leaning Working Families Party of engaging in an "audacious" and wide-ranging conspiracy "to hijack our local election process."

Critics, including business leaders and some prominent Democrats, have accused the Working Families Party of providing campaign services at a discount, in effect making an end run around campaign finance laws. Federal prosecutors in Manhattan have issued subpoenas seeking campaign documents from the party.

Mr. Mastro decided against trying to prove his charges in court. But on Tuesday he claimed victory, saying his lawsuit had forced the Working Families Party to restructure its for-profit company. "One can only speculate about what might have happened in the future," he said in a telephone interview. He said he would go back to court "in a heartbeat" to seek contempt charges if the party failed to follow through.

Under the settlement, which was approved by a State Supreme Court judge in Staten Island on Tuesday, Data and Field Services must appoint a majority of independent directors to its board, hire a separate finance and administrative staff and “assure that they are independent of and not controlled by the W.F.P.”

Dan Cantor, a senior official with the Working Families Party, played down the significance of the settlement, saying that the party desired only to avoid ruinous legal bills. And he said that the party, which is backed by influential unions like the United Federation of Teachers and 1199 S.E.I.U., the health care workers’ union, as well as liberal Democrats, had for several months intended to distance itself from Data and Field Services.

The for-profit arm took in \$2.3 million last year, from candidates and the party itself. Mr. Cantor has said the for-profit arm charges a standard campaign rate. “These changes are O.K. — we can do better,” Mr. Cantor said in an interview. “These seem like appropriate reforms.”

Mr. Mastro’s lawsuit, along with the additional scrutiny, posed a threat to the party that extended beyond legal questions of right and wrong. The party has carved an identity as a left-leaning reformist fighting for a higher minimum wage, better health care and sick pay, and the environment.

Party leaders tend to revel in their image as bruising political players who have dragged the Democratic Party to the left. But they have worried that accusations about ethical corner-cutting could prove far more damaging. The Working Families Party did not acknowledge wrongdoing in Tuesday’s settlement.

However, Mr. Mastro did not lay down the rhetorical cutlass Tuesday. He cited party records turned over as a result of the lawsuit, including e-mail messages between members that appear to show their worry over inquiries from the city’s Campaign Finance Board. Responding to a finance board letter, the Rose campaign’s treasurer typed in an e-mail message, “Looks like we have some explaining to do.”

Mr. Mastro said the e-mail messages were “smoking guns.”

Mr. Cantor dismissed such claims. He said the e-mail messages simply showed staffers who would prefer not to interrupt their work during an intense campaign to answer campaign finance inquiries. “Mr. Mastro said he would prove a gigantic conspiracy,” he said. “And we’re left with this settlement. Our work will continue.”

A version of this article appears in print on , Section A, Page 20 of the New York edition with the headline: Settlement Reached in Suit Against Working Families Party

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Transcript of the Meeting of the

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CHARTER REVISION COMMISSION

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held on Thursday, July 22, 1999

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at 110 William Street, 4th Floor

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Borough of Manhattan

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3 MR. MASTRO: Okay, let's get started. The
4 purpose of today's meeting is for members of the
5 Commission staff to brief the Commission on the staff's
6 preliminary recommendations on proposals that have been
7 made, either issues I asked the staff to review in a
8 letter that was widely disseminated publicly, other
9 Commission members asked to be reviewed or that members of
10 the public contacted the Commission and asked to be
11 reviewed.

12 The staff will be making its preliminary
13 recommendations of what issues to continue to consider
14 this summer, and what issues it's recommending should be
15 considered in the future, and what issues it believes
16 should not be considered further. The Commission members
17 today will receive those staff briefings, they will have
18 the opportunity to review the approximately 250 page
19 report that the staff has prepared, the opportunity to
20 review the specific proposals that the staff is
21 recommending for further consideration, then the
22 Commission will reconvene a week from today and at that
23 point have the opportunity to question the staff, engage
24 in further deliberations on which issues it would like to
25 see further consideration, and we'll do that a week from

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2 today, and that also of course will be a public session.

3 Before we begin today with the staff briefs,
4 I wanted to give the members of the Commission a brief
5 opportunity for each of them to introduce themselves.
6 It's a very distinguished group and I wanted each of them
7 to just say a few brief words by way of introduction.
8 We'll start with Imam Pasha.

9 MR. PASHA: Thank you, I'm Imam Pasha,
10 religious leader of the Moslem community based in Harlem.
11 I'm also the first NYPD Moslem chaplain.

12 MR. TSIMBINOS: I'm Tony Simonetti, I reside
13 in Staten Island, I spent 42 years in the Police
14 Department and I left as First Deputy Police Commissioner.

15 MS. LEHR: My name is Lisa Lehr, I'm an Upper
16 West Sider, I'm what's known as an Upper West Side
17 community advocate. I'm a grandmother and I'm a senior
18 advocate. Thank you.

19 MR. FIGLIOLA: I'm Carl Figliola, I'm a
20 university professor at Long Island University in public
21 administration. I've been a university dean, I served on
22 a number of boards, the Queens Library Board as well as
23 the Queens Library Foundation.

24 MS. SANSONE: I'm Mary Sansone, I'm the
25 founder of the Congress of Italian American organization

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2 on specific proposals for Charter revision orally at at
3 least six public hearings or in writing at any time.

4 Many changes to the Charter are made each
5 year with considerably less process. We are therefore
6 confident that this Commission will be in a position to
7 decide whether certain proposals are worthy of submission
8 to the voters this November.

9 We will be presenting recommendations for
10 further considerations in eight areas: The budget
11 process, civil rights, elections, Government integrity,
12 Government reorganization, immigrant affairs, land use,
13 and procurement.

14 We will also describe for you the proposals
15 that we received from the public.

16 I would now like to turn the floor over to
17 Dara Jaffe, who will discuss the budget issues that are
18 addressed in our report. Thank you.

19 MR. MASTRO: Thank you.

20 MS. JAFFE: Good afternoon members of the
21 Commission. My name is Dara Jaffe, I am a staff member
22 of the Commission, and I'm here today to summarize for you
23 the budget related recommendations in the report before
24 you.

25 As you can see from the report, there are

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2 seven proposals under this topic to insure fiscal
3 responsibility that the staff recommends the Commission
4 consider. I will briefly explain each one to you.

5 The first proposal for the Commission's
6 consideration is the establishment of a cap on growth in
7 City funded spending. The staff recommends that the
8 Commission consider amending the Charter to impose a 4
9 percent cap on year to year increases in City funded
10 spending. Disciplined spending practices over the past
11 several years and strong economy have enabled the City to
12 produce record surpluses. If the City had not changed
13 its course of spending, no surplus would have been
14 produced despite the strong economy.

15 A major component of the City's recent
16 success in improving the City's fiscal stability has been
17 a willingness to make difficult funding choices, thereby
18 avoiding falling into a pattern of spending all available
19 resources. Such fiscal responsibility should be mandated
20 in the Charter.

21 This proposal would establish the 4 percent
22 cap on year to year projected increases in City funded
23 spending. If in the Mayor's discretion there is an
24 emergency or, it is in the best interests of the City to
25 set spending at a level above 4 percent, the Mayor may, by

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2 written determination, lift the 4 percent cap, impose a
3 new cap, and reset the cap for the fiscal year. The
4 written determination would include a detailed explanation
5 regarding why the 4 percent cap should be lifted and the
6 determination to lift the cap and to set the new cap would
7 be the final decision of the Mayor.

8 The second proposal for the Commission's
9 consideration that for each unit of appropriation that
10 exceeds the rate of inflation, the executive budget
11 message would include an explanation for the increase.
12 We recommend that the Commission consider the Charter
13 amendment requiring that in the executive budget there is
14 this explanation for each appropriation increase that
15 exceeds the rate of inflation for the New York
16 metropolitan area. Similarly, where the Council
17 increases an appropriation by a level that exceeds the
18 rate of inflation, the Council budget resolution must
19 include an explanation for the increases. This would
20 hold elected officials accountable for disproportionately
21 high increases in spending.

22 To the extent there is an important public
23 policy goal being achieved through the increase, the
24 explanation would educate the City's taxpayers to those
25 spending choices. Also, this proposal will provide the

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2 benefit of identifying for the public those spending
3 choices that represent above inflation level growth rates.

4 The third budget related recommendation for
5 the Commission's consideration is to amend the Charter to
6 require that at least 50 percent of any surplus revenue be
7 placed in a budget stabilization fund to be used for the
8 prepayment of debt service costs or for an emergency or
9 other need in the best interests of the City.

10 When the City benefits from a significant
11 increase in tax revenues, there is the opportunity to use
12 the additional resources to improve the City's long term
13 fiscal position, creating a budget stabilization fund as a
14 separate unit of appropriation for the prepayment of
15 future debt service payments and requiring a portion of
16 any budget surplus to be placed in that fund enables the
17 City to use current resources to improve the City's
18 financial future.

19 Our next recommendation for the Commission's
20 consideration is that the Charter require at least a
21 two-thirds vote of the Council to pass any Local Law or
22 resolution to impose a new tax or increase any existing
23 tax other than a tax on real property. To override a
24 Mayoral veto for such a tax, the Council would need an
25 enhanced majority four-fifths vote.

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2 budget.

3 Then the Mayor is required to notify the
4 Council of the proposed action. The Council then has
5 thirty days from the first day of the Council meeting
6 following notification to disapprove the proposed change.
7 We recommend that the Commission consider amending the
8 modification level that would trigger Council approval.
9 Charter Section 107(b) requires the modification approval
10 for the change in the unit of appropriation would be 5
11 percent or \$50,000, whichever is greater.

12 The staff proposes that the Commission
13 consider retaining the 5 percent limitation, but
14 increasing the dollar threshold from \$50,000 to \$100,000.
15 This would enhance managerial flexibility to make
16 important budget adjustments expeditiously.

17 The staff's sixth budget related proposal for
18 the Commission to consider is that the Charter require
19 that an amount equal to 1 percent of the total City funded
20 New York City Board of Education operating expense budget
21 be provided for educational initiatives to be implemented
22 and administered by the Mayor's office.

23 Providing our children with quality education
24 is essential to insure the continued success and
25 prosperity of the City. Educational programs in the City

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constitute an increase in spending on education.

The Mayor's office would be authorized to use these funds for the creation and implementation of innovative programs to benefit the city's more than 1 million school aged children and to expand their educational opportunities.

The final budget related recommendation for the Commission to consider is banning unfunded mandates in three ways. First, the Charter should be amended to require fiscal impact statements to identify the specific sources of funding that will pay for mandated programs. Currently, Section 33 requires that the Council prepare fiscal impact statements before local laws or budget modifications may be voted on. Elected officials have in the past enacted programs without answering the hard questions of which taxes to raise or which other programs to cut in order to obtain the funds to pay for these new programs.

Although Section 33 of the Charter requires that fiscal impact statements accompany proposed laws or budget modifications, it contains no requirement that the statement specify where or how the funds will be found.

If the purpose of fiscal impact statements is to insure law makers fully confront the economic

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2 consequences of their actions, the current Charter
3 provision meets this goal only halfway. The fiscal
4 impact statements required by the Charter supply the cost
5 of the measure, but they do not require law makers to
6 consider how to find the money to pay that price. This
7 proposal would require such consideration.

8 Mandating the inclusion of this information
9 in fiscal impact statements would promote better informed
10 and more accountable policy making.

11 Second, the Commission should consider
12 providing that mandates arising from such local laws will
13 be binding on the City of New York only to the extent that
14 funds are appropriated to implement the Local Law. If no
15 funds are allocated, the law while remaining in effect as
16 an authorization, is not mandatory. The imposition of
17 fiscal responsibility in this matter would operate as a
18 truth in Government measure, forcing the City Government
19 to confront and resolve the hard choices represented by
20 important or costly popular programs.

21 Third, the Commission should consider
22 including home rule messages sent by the City Council to
23 the State Legislature among the legislative actions that
24 require fiscal impact statements. Because home rule
25 messages frequently have economic consequences like local

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2 laws, the Council in considering such measures should be
3 required to prepare fiscal impact statements as they do
4 with Local Law.

5 That concludes my remarks on the budget
6 related proposals. Thank you very much.

7 MR. MASTRO: Thank you very much, too. Just
8 one point. On page 3 of the executive summary, the
9 second item, at the end of the first line, "The Charter
10 should require an amount equal to 1 percent of the total,"
11 right after the word "total" should be inserted "City
12 funded portion of the."

13 Thank you very much.

14 MR. MILLMAN: Jose Nicote. He will address
15 the civil rights topic.

16 MR. NICOTE: Good afternoon, Mr. Chairman and
17 members of the Committee. My name is Jose Nicote and I'm
18 a Deputy Director of the Commission. The area that I
19 would like to address with you this afternoon is the area
20 of civil rights.

21 In the area of civil rights, the staff's
22 proposals for Commission consideration are guided by one
23 overarching goal, namely, to insure that the City's policy
24 of protecting and promoting civil rights be given as
25 secure a basis as possible. It was the view of the staff

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2 qualifications or prerequisites or voting standards,
3 practices or procedures are being sought.

4 The second election issue investigated by the
5 staff is Mayoral succession. The issue of Mayoral
6 succession has long been a topic of debate in the City.
7 Mayoral succession is different, however, than the issue
8 of the process and timing for electing a new Mayor in the
9 event of a vacancy.

10 Currently, the Charter provides that in the
11 event of a vacancy in the mayoralty the powers and duties
12 of the Mayor first evolve upon the Public Advocate and
13 then the Comptroller. If the vacancy occurs prior to
14 September 20 in any year, then an election for Mayor is
15 held at that year's general election. If the vacancy
16 occurs after September 20, an election for Mayor is held
17 at the following year's general election. That means if
18 that a vacancy were to occur after September 20 in any
19 year of a Mayoral term, the Public Advocate could
20 potentially serve as Mayor for more than 15 months before
21 a newly elected Mayor takes office.

22 The 1975 and 1989 Charter Revision
23 Commissions both examined extensively the issue. Any
24 consideration to a change in the succession provision
25 requires an understanding of the historical context that

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2 led up to the current rules. Our report contains a brief
3 history of the Board of Estimate and the events that led
4 to the creation of the Public Advocate. You'll hear more
5 about the overall role of the Public Advocate later in the
6 present of Government reorganization. This report
7 discusses at length the possibility for various offices
8 succeeding to the mayoralty: Public Advocate,
9 Comptroller, Vice Mayor, Speaker of the Council and
10 Deputy Mayor.

11 There are ample reasons why the line of
12 succession should be changed. However, questions have
13 been raised as to whether the line of succession should be
14 changed during the current term. Therefore, we are not
15 recommending a change in the line of succession at this
16 time.

17 However, on the issue of how and when the
18 voters have the opportunity to elect a new Mayor in the
19 event of a vacancy, the staff recommends that the voters
20 be given the opportunity to elect a new Mayor in the event
21 of a vacancy as soon as possible, just as they do for
22 every other elected office in the City.

23 To that end, staff recommends that the
24 Commissioners revising the Charter to call for a special
25 election to fill a vacancy in the mayoralty in the same

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2 manner as vacancies are filled for every other City
3 elective office, meaning that there would be a nonpartisan
4 special election within two months after a Mayoral vacancy
5 occurs to be followed by a partisan election at the next
6 general election. Indeed, special elections to fill
7 Mayoral vacancies are required to fill vacancies in many
8 other cities, such as Los Angeles, Houston, and Denver.

9 Moreover, the City has seen many nonpartisan
10 special elections to fill City Council vacancies over the
11 last decade, including three earlier this year.

12 Finally, the staff did a preliminary
13 examination of one election issue that we recommend be
14 studied at a later time, campaign finance. The 1988
15 Commission and recent local legislation made important
16 changes to the campaign finance rules. While additional
17 revisions may be considered, the staff recommends that the
18 Commission not consider further amendments until a full
19 election cycle has passed so that voters and officials
20 have the chance to monitor and evaluate the recent
21 changes.

22 Thank you.

23 MR. MASTRO: Thank you.

24 MR. MILLMAN: Adira Siman will address
25 Government integrity.

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2 this panel has never convened or decided an appeal, the
3 staff recommends that the Commission consider eliminating
4 it.

5 Another proposal that the staff recommends
6 the Commission consider is merging the Department of
7 Records and Information Services, or DORIS, with the
8 Department of Citywide Administration Services, better
9 known as DCAS. DORIS is charged with maintaining and
10 storing the City's records and managing the City's
11 archives, specifically the municipal archives and a
12 municipal library. DCAS is the City's agency responsible
13 for providing administrative services to all City agencies
14 such as the acquisition of goods and for the managing of
15 the City's real estate holdings, including space for
16 records storage.

17 DORIS's vision as an agency is heavily
18 dependent on the acquisition of real estate. Since DCAS
19 is the agency responsible for managing and acquiring the
20 City's real estate holdings, bringing the agency under
21 DCAS would help to address the constant need for
22 additional storage space.

23 In addition to records storage, DORIS also
24 manages the City's municipal archives. In recent years
25 there has been a growing relationship between archives and

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24 manages the City's municipal archives. In recent years
25 there has been a growing relationship between archives and

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2 a DCAS managed New York City store. Collaboration would
3 be more efficient if the entities were part of the same
4 agency.

5 Merging DORIS and DCAS would also fit into
6 the Charter's intention to consolidate all agency support
7 services in one agency. Along with managing City real
8 estate, DCAS also provides City agencies with
9 administrative support in procurement and Civil Service
10 issues. Since records storage is considered an agency
11 support function, it would be best provided which the same
12 agency providing the rest of the City's support services.

13 The next proposal before you is whether an
14 Organized Crime Control Commission should be created in
15 order to handle the current regulatory, investigative and
16 licensing functions of agencies that oversee the private
17 carting industry, public wholesale food markets and ship
18 board gambling and to take on any new responsibilities
19 regarding business centers operationally affected by
20 organized crime. The agencies involved would be the
21 Department of Business Services, the Department of
22 Investigation, the Trade Waste Commission, the Gambling
23 Control Commission.

24 Currently relevant information is often
25 scattered amongst them. There is no structural mechanism

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2 invalidated the decision in the Mayor's Executive Order
3 that guaranteed confidentiality of information concerning
4 immigration status.

5 The Court of Appeals, however, stressed in
6 its decision that it might invalidate federal legislation
7 if it could be shown that guarantees of confidentiality
8 were essential to preserve the integrity of municipal
9 programs.

10 The amendment proposed here facilitates the
11 capacity of the City to make such a showing. Protecting
12 confidential information, such as a person's immigration
13 status, is an important objective of the City of New York
14 and it is important that the Charter reflect this fact.
15 Thank you.

16 MR. MASTRO: Thank you.

17 MR. MILLMAN: Daniel Campo, regarding land
18 use.

19 MR. MASTRO: Mr. Campo.

20 MR. CAMPESE: Good afternoon, my name is Dan
21 Campo, I'm on staff here for the Commission.

22 I'm here to discuss how land use decisions
23 are made here in the city and they're made under a process
24 called ULURP, Uniform Land Use Review Procedure. ULURP
25 was added to the Charter in 1975 and creates certainty in

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2 a predictability timetable for major land use decisions.
3 ULURP covers changes in the official City map, changes in
4 the zoning map, site selection for major capital projects,
5 housing and urban renewal plans and the acquisition and
6 disposition of real property by the City.

7 The primary participants of ULURP are
8 Community Boards, Borough Presidents, the City Planning
9 Commission, the City Council and the Mayor. The 1989
10 Charter amendment sought to carefully balance the powers
11 of the City Planning Commission, the Mayor and the City
12 Council, recognizing that land use is a field involving
13 both the exercise of professional planning expertise and
14 also political judgment.

15 However, certain recurrent problems have
16 surfaced over the past ten years. First, private parties
17 that go through ULURP have noted that the process takes
18 too long and could be quite onerous. From first
19 submission to final determination, the process often takes
20 over a year.

21 Secondly, while trying to strike a balance
22 between the City Planning Commission, the City Council and
23 the Mayor, certain provisions of the Charter have in
24 practice worked at cross purposes and are in need of
25 adjustment. Accordingly, the staff recommends that the

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 2 Commission consider a series of adjustments to the charter
 3 which will streamline the process, making it more
 4 predictable and timely, furthering the overall intent of
 5 the charter to balance the powers of the City Planning
 6 Commission the City Council and the Mayor while
 7 maintaining current levels of community input that the
 8 process.

9 We have identified five areas in immediate or
 10 revision and three areas to be considered for the future,
 11 I will briefly summarize the five proposals offered to the
 12 Commission for revisions to the Charter.

13 Certain zoning requirements related to the
 14 use bulk or size or physical characteristics of a
 15 development may be altered by what we call a special
 16 permit if certain requirements are met. The review of
 17 special permits is a very technical and essentially
 18 administrative task involving many site specific
 19 requirements. They are of critical importance to many
 20 development projects.

21 Given the length of ULURP and the detailed
 22 scrutiny special permits receive as part of Community
 23 Board, Borough President and City Planning Commission
 24 review, the role of the City Council, which is
 25 predominantly a legislative body, not an administrative

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2 one, at the tail end of the process merits
3 reconsideration. If there is strong consensus that the
4 requirements as stated in the zoning resolution are
5 clearly met, then special permits should receive final
6 approval from the City Planning Commission, the decision
7 making body with professional expertise in this area.

8 Therefore, the staff recommends that the
9 Commission consider amending the Charter to eliminate
10 Council review of special permits where the City Planning
11 Commission approves an application by at least a
12 two-thirds vote. Requiring a two-thirds vote would
13 assure, would still assure broad based support, while at
14 the same time cutting as much as 70 days from the entire
15 review process, making the process both shorter and more
16 predictable for meritorious special permit applications.

17 Our second proposal offered to the Commission
18 involves Mayoral vetos of Council modifications. The
19 Charter gives the Mayor power to veto Council actions
20 regarding CPC approvals, subject to an override by
21 two-thirds vote of City Council. However, the City
22 Council has the power to modify applications as approved
23 by the City Planning Commission. There are cases where
24 the Mayor may support a project but object to the
25 modifications made by City Council. This puts the Mayor

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1 in a difficult situation, as he or she does not have the
2 power to veto modifications made by the Council only, and
3 in some cases may be forced to veto an otherwise deserving
4 project.

5
6 Therefore, staff recommends that the
7 Commission consider revising the Charter so that the Mayor
8 be given the power to either veto such actions as a whole
9 or veto just the modifications as made by the City
10 Council. City Council could also be afforded a similar
11 power, allowing them to override a Mayoral veto of an
12 entire application or override the veto of disputed
13 modifications only.

14 Our third proposal involves City Council
15 consideration of City Planning Commission modifications.
16 Under the 1989 Charter amendments, land use actions
17 disapproved by the City Planning Commission are not
18 reviewable by City Council affirming the role of the City
19 Planning Commission as a professional land use decision
20 making body and a gate keeper of the City's land use
21 policy. Consistent with this role, if the City Planning
22 Commission disapproves some portion of a project and
23 approves the rest, aspects of the application
24 disapproved should not be subject to Council review,
25 unfortunately, Charter language does not

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2 provide for this situation. Therefore, staff recommends
3 that the Commission consider revising the Charter so that
4 City Council review of a project should include only those
5 portions of an application as approved by the City
6 Planning Commission.

7 Our last two proposals involve actions that
8 are primarily administrative. The review of minor street
9 grade changes and office space leases. Minor changes in
10 the level of streets typically resulting from repair or
11 reconstruction require amendment to the recorded street
12 elevation on the City map, a process now subject to ULURP.
13 But because such changes are subject to ULURP, the project
14 may be delayed for months and a number of agencies may be
15 required to devote a substantial amount of staff time.
16 Therefore, the staff recommends that the Commission
17 consider revising the Charter so that minor changes to the
18 street grade, those less than two feet, should not be
19 required to undergo ULURP.

20 The Charter also requires City Planning
21 Commission review for the review of purchase or lease of
22 office space by City agencies. Unlike most items subject
23 to review by this section of the Charter, there are no
24 land use issues when the City rents office space in areas
25 already zoned for office use and the Charter recognizes

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2 this by requiring the City Planning Commission to review
3 these agreements only in terms of fair share criteria.
4 Fair share criteria was placed in the Charter to insure
5 that when the City proposes to purchase or lease office
6 space in Manhattan south of 96th Street, consideration
7 will be given to whether the facility can be located
8 elsewhere to support economic development and the
9 revitalization of the City's regional business districts.

10 The City Council was given the authority to
11 disapprove of these CPC actions by a two-thirds vote.
12 Unfortunately, the principal effect of this policy has
13 been to slow down the process of obtaining space for City
14 agencies. Practice has shown it does not serve the
15 purpose of prodding agencies to locate outside Manhattan
16 or to facilitate regional economic development since there
17 are relatively few instances in which an agency has a real
18 choice of borough location. In most cases factors
19 related to the operational efficiency of these agencies,
20 those which are governed by the proximity to the agency's
21 local service area, really drive the choice of location.

22 To make the acquisition of office space
23 quicker and less burdensome, the staff recommends the
24 Commission consider eliminating the City Planning
25 Commission from the review process and that Council

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1 authority disapproval of an office space acquisition be
2 limited to large acquisitions, those defined as 50,000
3 square feet or more. This will allow the Council to
4 consider major office space acquisitions such as the
5 relocation of agency headquarters while eliminating review
6 for smaller agency branch and field offices. In these
7 cases, such acquisitions can be handled by the Department
8 of Citywide Administrative Services.
9

10 That concludes my section of the Charter.

11 Thank you.

12 MR. MASTRO: Thank you.

13 MR. MILLMAN: Howard Friedman will discuss
14 procurement.

15 MR. FRIEDMAN: Good afternoon, my name is
16 Howard Friedman. I will present the staff's
17 recommendation regarding the Charter's procurement
18 chapter, chapter 13.

19 The primary criticism of the City's
20 procurement process is that it takes so long. Typically
21 it takes five months to enter into a contract through
22 competitive sealed bids and ten months through competitive
23 sealed proposals, one of the alternate procurement methods
24 provided for by the Charter.

25 While the 1989 revisions to the Charter were