



## THE COUNCIL OF THE CITY OF NEW YORK

Christine C. Quinn, Speaker

### BRIEFING PAPER OF THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

Joel Rivera, Chairperson

SEPTEMBER 24, 2012

***Topic I: New York City Waterfront Management Advisory Board – (Mayoral Candidates for re-appointment upon advice and consent of the Council)***

- Paula G. Berry [M-882]
- Henry Wan [M-883]

*New York City Charter* ("Charter") §1303 provides for the establishment of a Waterfront Management Advisory Board ("the Board"). The Board serves as an advisory body to the Deputy Mayor for Economic Development, the Commissioner of Small Business Services, and the City Planning Commission concerning any matters relating to the industrial, commercial, residential, recreational or other use of wharves, waterfront property and waterfront infrastructure in the City [*Charter* §1303(a)].

The Board consists of 17 members: the Deputy Mayor for Economic Development, as Chairperson; the Commissioner of Small Business Services, as Vice Chair; the Chairperson of the City Planning Commission; the Commissioner of Environmental Protection; one City Council Member designated by the City Council; and twelve members to be appointed by the Mayor with the advice and consent of the City Council, provided that there is at least one appointed member from each borough. Appointed members shall include representatives of labor,

the maritime industries, the transportation industries, the real estate industry, the hospitality industries, as well as environmental advocates and community advocates [*Charter* §1303(a)].

The 12 appointed members of the Board serve for staggered three-year terms, except that of the members first appointed: four shall be appointed for terms of one-year, four shall be appointed for terms of two years, and four shall be appointed for terms of three years. Members serve without compensation [*Charter* §1303(b)].

As enumerated in *Charter* §1303(e), the Board is required to:

- (1) Hold at least one meeting every six months;
- (2) Consult and advise the Deputy Mayor for Economic Development, the Commissioner of Small Business Services and the City Planning Commission on any matter relating to the industrial, commercial, residential, recreational or other use or development of wharves, waterfront property and waterfront infrastructure in the City, and on other matters as may be requested by the Chairperson of the Board;
- (3) Create any committees or subcommittees consisting of at least one Board member or their designated representative as the board deems appropriate to carry out the Board's responsibilities, provided that there shall be a committee on recreational uses of the waterfront ; and
- (4) Issue a report by March 1, 2010, and every two years after, to the Mayor, the City Council, and Borough Presidents regarding the development of wharves, and waterfront property and infrastructure in the City during the immediately preceding two calendar years, provided that the report due March 1, 2010 shall relate to calendar year 2009 only.

If re-appointed, Ms. Berry, a resident of Brooklyn, will be eligible to serve the remainder of a three-year term that expires on August 31, 2015. Copies of Ms. Berry's résumé and report/resolution are annexed to this briefing paper.

If re-appointed, Mr. Wan, a resident of Queens, will be eligible to serve the remainder of a three-year term that expires on August 31, 2015. Copies of Mr. Wan's résumé and report/resolution are annexed to this briefing paper.

***Topic II: New York City Tax Commission – (Candidate for re-appointment by the Mayor upon advice and consent of the Council)***

- **Susan Grossman [M-884]**

The Tax Commission (the “Commission”) is charged with the duty of reviewing and correcting all assessments of real property within the City of New York that are set by the New York City Department of Finance [*New York City Charter* (“Charter”) §153(b)]. Any Commissioner shall exercise such other powers and duties as the President may from time to time assign [*Charter* §154].

The Commission consists of the President<sup>1</sup> and six Commissioners [*Charter* § 153(a)]. *Charter* §31 states that the Mayor, with advice and consent of the Council, shall appoint members of the Commission after a public hearing. Each Commissioner shall have at least three years of business experience in the field of real estate or real estate law. At least one resident of each borough shall be included among the Commissioners [*Charter* §153(a)]. The President of the Commission receives an annual salary of \$192,198. Commissioners receive an annual salary of \$25,677.<sup>2</sup>

Real property tax assessment-related claims subject to administrative and corrective action by the Commission may assert: inequality; excessiveness, including the denial of a full or partial exemption; unlawfulness; and misclassification. See definitions – Charter §§163 and 164(b) (class one property). The Commission’s administrative determinations are subject to *de novo* judicial review [*Charter* §165(a)].

Between the fifteenth day of January and the twenty-fifth day of May, the Commission may itself, or by a Commissioner or assessor authorized by the Commission, act upon applications, compel the attendance of witnesses, administer oaths or affirmations and examine applicants and other witnesses under oath. In addition, the Commission is empowered to make rules of practice for its proceedings [*Charter* §164(a)].

The Commission determines the final assessed valuation or taxable

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<sup>1</sup> The Tax Commission’s current President, Glenn Newman, is also the President of the New York City Tax Appeals Tribunal.

<sup>2</sup> The Tax Commission’s current members are: Glenn Newman, President; Kirk Tzanides; Susan Grossman; Aladar Gyimesi; Alice Olick; Richard Stabile; and Fadil Brija.

assessed valuation, or the actual assessment or transition assessment, or the proper class designation of the real property of each applicant. The final assessed valuation or taxable assessed valuation of real property may be the same or less than the original assessment or, if determined to be unlawful, the same shall be ordered stricken from the roll or, where appropriate, entered on the exempt portion of the roll. If it is determined that the real property is misclassified, the correct class designation or allocation of assessed valuation shall be entered on the roll [*Charter* §164(b)].

Applications for correction of assessment of real property assessed at seven hundred fifty thousand dollars or more are dealt with between the first day of February and the first day of September [*Charter* §164-a (a)].

The final determination of the Commission upon any application for the correction of an assessment shall be rendered not later than the twenty-fifth day of May. Otherwise, the assessment objected to shall be deemed to be the final determination of the Commission [*Charter* §165]. A proceeding to review or correct on the merits any final determination of the Commission may be had as provided by law, and, if brought to review a determination mentioned in *Charter* § 165, must be commenced before the twenty-fifth day of October following the time when the determination sought to be reviewed or corrected was made [*Charter* §166].

The President or any Commissioner may enter upon real property and into buildings and structures at all reasonable times to ascertain the character of the property. Refusal by the owner or his agent to permit such entry shall be triable by a judge of the Criminal court and punishable by not more than thirty days' imprisonment, or by a fine of not more than fifty dollars, or both [*Charter* §156].

The Commission shall issue an annual report to the City Council and to the Mayor not later than the first day of March in each year [*Charter* §155].

Ms. Grossman is scheduled to appear before the Committee on Rules, Privileges, and Elections on September 24, 2012. If re-appointed, Ms. Grossman, a resident of Manhattan, will be eligible to serve the remainder of a six-year term that will expire on January 6, 2018. A copy of Ms. Grossman's résumé and report/resolution is annexed to this briefing paper.

Attachments

**PROJECT STAFF**

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