

Proposed Amendment to Proposed Int. No. 845-A¹

NYC COUNCIL

2008 OCT 22 P 6:41

Offered by Council Members Yassky, Gerson and Brewer

SPEAKER'S OFFICE

A Local Law to amend the New York city charter, in relation to term limits for elected officials.

Be it enacted by the Council as follows:

Section 1. Sections 1137 and 1138 of the charter of the city of New York, as added by a vote of the electors of such city at the general election held on November 2, 1993, are amended to read as follows:

§1137. Public Policy. It is hereby declared to be the public policy of the city of New York to limit [to not more than eight consecutive years] the time elected officials can serve as mayor, public advocate, comptroller, borough president and council member so that elected representatives are "citizen representatives" who are responsive to the needs of the people and are not career politicians. It is further declared that this policy is most appropriately served by limiting the time such officials can serve to not more than three full consecutive terms.

§1138. Term Limits. Notwithstanding any provision to the contrary contained in this charter, no person shall be eligible to be elected to or serve in the office of mayor, public advocate, comptroller, borough president or council member if that person had previously held such office for [two] three or more full consecutive terms [(including in the case of council member at least one four-year term)], unless one full term or more has elapsed since that person last held such office; provided, however, that in calculating the number of consecutive terms a person has served, only terms commencing on or after January 1, 1994 shall be counted.

§2. If any section, subdivision, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such constitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall remain in full force and effect.

~~§3. This local law shall take effect immediately and shall apply to elections held on or after the date of its enactment, provided that this local law shall be deemed repealed upon the effective date of a lawful and valid proposal to amend the charter to set term limits at two, rather than three, full consecutive terms, as such limits were in force and effect prior to the enactment of this local law, where such proposal has been submitted for the approval of the qualified electors of the city and approved by a majority of such electors voting thereon.~~

¹ Amendment shows those words to be deleted by striking through and those words to be added by underlining. All underlined matter should be considered unconsolidated provisions.

§ 3. Pursuant to the authority invested in it by § 36.2(a) of the Municipal Home Rule Law, the Council hereby establishes a commission to draft a new or revised City Charter (the "Charter Revision Commission" or "Commission").

§ 4. The purpose and intent of this legislation and of the establishment of the Charter Revision Commission shall be to afford the people of the City of New York an opportunity to vote by referendum at a special election in early 2009 or as soon as practicable on any proposal to amend the term limits provisions of Chapter 50 of the Charter which such commission may propose together with such other or further Charter amendments or revisions that the Charter Revision Commission recommends.

§ 5. The method of determining the number of members of the Charter Revision Commission and the method of their selection shall be by designation of the Council as follows:

(a) the Charter Revision Commission shall be comprised of up to 13 members, including a Chair, a Vice Chair, a Secretary and up to ten additional members;

(b) the members of the Charter Revision Commission shall be approved by majority vote of the Council;

(c) no member of the Commission may be a registered lobbyist as that term is defined in § 3-211(a) of the Administrative Code;

(d) no more than four members of the Commission serving at any one time may be persons doing business with the City as that term is defined in § 3-702.18 of the Administrative Code; and

(e) any vacancy in the membership of the Charter Revision Commission or of its officers shall be filled by appointment made by majority vote of the Council.

§ 6. Pursuant to the authority vested in it under § 5 above, the members of the charter revision commission will be determined by the Council in a schedule attached hereto. The council may by majority vote appoint up to eight additional members. If such additional members are not appointed by the November 13, 2008 then the commission created pursuant to this local law and attached schedule shall be deemed complete.

§ 7. The Charter Revision Commission shall review the entire Charter and prepare a draft of a proposed new or revised Charter in accordance with the provisions of § 36.5(a) of the Municipal Home Rule Law.

§ 8. Pursuant to § 36.5(b) of the Municipal Home Rule Law, the Charter Revision Commission is authorized to submit its proposed new Charter or amendments to the electors of the City at a special election and it is required to complete and file in the Office of the City Clerk its proposed new Charter or amendments in time for submission to the electors not later than the second general election after the date hereof; provided, however, that it is the purpose and intent of the

Council in enacting this local law that the Charter Revision Commission shall complete and file its proposed new Charter or amendments as early in 2009 as is reasonably practicable but in any event on or before March 1, 2009, in time for submission to the electors at a special election to be held at least 60 days later but in any event not later than May 1, 2009 in order to enact any change to Chapter 50 of the Charter affecting term limits in time for the commencement of petitioning for the 2009 primary elections.

§ 9. The publication and publicity of the Charter Revision Commission's proposed new Charter or amendments shall include but not be limited to a summary and detailed description to be included in a voters guide to be published by the Commission and mailed to each enrolled elector in the City of New York not less than ten days prior to the election at which the Commission's proposal will be on the ballot together with such other and further publication and publicity that the Commission deems reasonably necessary to ensure that the electors of the City are fully informed of the recommendations and the need for their adoption.

§ 10. Additional Provisions.

(a) Members of the Commission shall receive no compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties.

(b) The Commission shall appoint and may at pleasure remove such employees and consultants as it shall require and fix their compensation and may accept any services, facilities or funds and use or expend the same for its purposes. No Commission employee or consultant shall be a registered lobbyist as that term is defined in § 3-211(a) of the Administrative Code. Any person who is a person doing business with the City as that term is defined in § 3-702.18 of the Administrative Code may serve as an employee or consultant of the Commission only after approval by the City's Conflicts of Interest Board and only subject to such restrictions or limitations on their duties and responsibilities for the Commission as the Conflicts of Interest Board may require.

(c) On request of the Commission, the Mayor may direct any board, body, officer or employee of the city to cooperate with, assist, advise, provide facilities, materials or data and render services to the Commission and it is the desire and intent of the Council that the Mayor shall comply with any such request.

(d) In addition to action under any other power to make appropriations for the support of the Commission, the appropriate officials of the City shall have power, on request of the Commission, to appropriate to such Commission such sum or sums as shall be necessary to defray its expenses and it is the desire and intent of the Council that the Mayor shall timely fulfill any such necessary requests.

(e) No person shall be disqualified to serve as a member, employee or consultant of the Commission by reason of holding any other public office or employment, nor shall she forfeit any such office or employment by reason of her appointment hereunder, notwithstanding the provisions of any law.

(f) The terms of office of the members of the Commission shall expire on the day of the election at which the proposed new Charter or Charter amendments prepared by the Commission are submitted to the qualified electors of the City, or on the day of the second general election following the date hereof if no such questions have been submitted by that time.

(g) It is the intent and desire of the Council that the Commission conduct not less than one public hearing in each of the five boroughs of the City.

§ 11. The Council shall monitor the proceedings and progress of the charter revision commission established pursuant to this local law. If by February 2, 2009, such commission has not filed any proposals regarding term limits, then the council may consider legislative proposals regarding term limits.

§ 12. Sections one and two of this local law shall take effect only if approved at a special election by the affirmative vote of a majority of the qualified electors of the City voting on a proposition containing its terms that is held as a result of the procedure set forth in sections three through eleven of this local law. Sections three through eleven of this local law shall take effect immediately.

Schedule

Pursuant to § ⁵7 of the attached Proposed Introduction 845-A the members of the Charter Revision Commission will be determined by the following schedule:

Luis Garden Acosta

Richard Briffault

Arthur Cheliotis

Richard D. Emery

Hector Soto

Virginia Kee

Gene Russianoff