**THE COUNCIL OF THE CITY OF NEW YORK**



**OFFICE OF THE GENERAL COUNSEL**

**COMMITTEE REPORT OF THE**

**COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS**

**Hon. Karen Koslowitz, Chairperson**

**December 19, 2019**

**Council Chambers**

**City Hall**

***Topic I: New York City Planning Commission – (Candidate for appointment by the Mayor upon the advice and consent of the Council)***

* **Kenneth Knuckles [M-196]**

Pursuant to the *New York City Charter* (*“Charter”*) §192, there shall be a thirteen-member City Planning Commission, with seven appointments made by the Mayor (including the Chair), one by the Public Advocate, and one by each Borough President. [*Charter* §192(a)] All members, except the Chair, are subject to the advice and consent of the Council. [*Charter* §192(a)] Further, the *Charter* states that members are to be chosen for their independence, integrity, and civic commitment. [*Charter* §192(a)]

The *Charter* provides that CPC members shall serve for staggered five-year terms, except for the Chair, who as Director of the Department of City Planning (*Charter* §191), serves at the pleasure of the Mayor. [*Charter* §192(a)] For purposes of Chapter 68 of the *Charter* (Conflicts of Interest)*,* CPC members, other than the Chair, shall not be considered regular employees of the City. [*Charter* §192(b)] There is no limitation on the number of terms a CPC member may serve. [*Charter* §192(a)] CPC members are prohibited from holding any other City office while they serve on the CPC. [*Charter* §192(b)] The Chair receives an annual salary of $214,413. The CPC member designated to serve as the Vice-Chair receives an annual salary of $65,121. The other CPC members receive an annual salary of $54,150.

CPC is responsible for the following:

* CPC must engage in planning focused on the City’s orderly growth, improvement, and future development, which includes consideration of appropriate resources for housing, business, industry, recreation, and culture. [*Charter* §192(d)];
* CPC assists the Mayor and other officials in developing the ten-year capital strategy, the four-year capital program, as well as the annual *Statement of Needs.* [*Charter* §192(f)];
* CPC oversees and coordinates environmental reviews under the *City Environmental Quality Review* (“CEQR”), as mandated by state law (*Environmental Conservation Law* – Article 8). [*Charter* §192(e)];
* Every four years, the CPC must prepare and file with the Mayor, Council, Public Advocate, Borough Presidents and Community Boards, a zoning and planning report containing CPC’s Planning Policy, and in light of this policy, provide a proposal for implementing the policy, along with any associated recommended amendments, if any, to the Zoning Resolution. The report must also include the plans and studies CPC undertook or completed in the previous four years. [*Charter* §192(f)]; and
* CPC must review, and either approve or deny, any City proposal involving the City’s request to make acquisitions for office space and any requests for existing buildings for office use. [*Charter* §195]

CPC is also responsible for promulgating various rules, some of which consists of the following:

* It is CPC’s responsibility to establish minimum standards for certifying the *Uniform Land Use and Review Procedure* (“*ULURP*”) applications, which includes providing specific time periods for pre-certification review. [*Charter* §197-c (i)];
* The criteria associated with the selection of sites for capital projects is also established by CPC. [*Charter* §218 (a)];
* CPC establishes the minimum standards for the form and content of plans for the development of the City and boroughs. [*Charter* §197-a (b)]; and
* CPC also adopts rules that either list major concessions or establishes a procedure for determining whether a concession is defined as a *major concession,* as it relates to the act of City Agencies granting concessions. [*Charter* §374 (b)].

If re-appointed to the CPC, Mr. Knuckles, a resident of the Bronx, will serve the remainder of five-year term, expiring on June 30, 2020. A copy of the candidate’s résumé as well as the related associated message is attached to this briefing paper.

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

* **Francis Henn** **[M-198]**
* **Thomas V. Nichols [M-197]**

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 and six Commissioners.[[1]](#footnote-1) *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 $221,151. Commissioners receive an annual salary of $25,677.

 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 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.]

If appointed as president, Ms. Henn, a resident of Queens, will serve the remainder of a six-year term that begins on January 7, 2020 and expires on January 6, 2026. Copies of Ms. Henn’s résumé and report/resolution are attached to this Briefing paper.

If appointed, Mr. Nichols, a resident of Staten Island, will serve the remainder of a six-year term that begins on January 7, 2020 and expires on January 6, 2026. Copies of Mr. Nichol’s résumé and report/resolution are attached to this Briefing paper.

***Topic III: New York City Youth Board – (Council recommendations subject to appointment by the Mayor)***

* **Christopher Bastardi [Preconsidered M]**
* **Melanie Kruvelis [Preconsidered M]**

Section 734 of the *New York City Charter (“Charter”)* states that there shall be a youth board, which shall serve as a forum for representatives of disciplines concerned with the welfare of youth [*Charter* §734(a)]. The Board must be representative of the community, and is required to include persons representing the areas of social service, health care, education, business, industry and labor [*Charter* §734(b)].

The Board serves as an advisory body to the Commissioner of the Department of Youth and Community Development (“DYCD”) with respect to the development of programs and policies relating to youth in the City of New York pursuant to Chapter 30 of the *Charter,* Chapter 4, Title 21 of the *Administrative Code,* Article 19-G of the *New York State Executive Law*, and regulations promulgated by the Director of the Division of Youth pursuant to such Article codified at Title 9 of the *Official Compilation of Codes, Rules and Regulations of the State of New York (“NYCRR”)* Part 164, Subpart 165-1 [New York City Youth Board By-laws, Article II]. According to Article II of the Board’s By-Laws, the powers, duties and responsibilities of the Board are to:

1. After consultation with the Commissioner of the Department of Youth and Community Development, recommend policies and/or plans, which promote youth development and prevent delinquency.
2. Advocate for youth with the executive, administrative and legislative bodies and the community at large regarding the development of services and strategies which address locally identified youth problems and needs.
3. Establish closer cooperation among employees, labor, school, churches, recreation and/or youth commission, service clubs, youth and family service providers and other public and private agencies to encourage youth programs on the basis of local community planning.
4. Review and analyze grants given in the Department of Youth and Community Development from federal, state and City governments and from private individuals, corporations and associations, and assist the Commissioner in developing criteria for their allocation.
5. In cooperation with the Commissioner of the Department of Youth and Community Development, review, analyze and recommend the acceptance or rejection of, proposals for the creation or expansion of recreational services and youth service projects or other youth programs as defined by laws of the State of New York, and make appropriate recommendations to the Mayor.
6. Receive, review and analyze statistical records and data, including those that reflect the incidence and trends of delinquency and youthful crimes and offenses in the City.
7. Appoint such advisory groups and committees as may be necessary to carry out the powers and duties of the Board.
8. Assist in the development of a comprehensive planning process, except as provided in section 165.2 (a)(4)(I)(a) and (b) of Part 164 of Title 9 of the NYCRR.

The Board consists of up to 28 members appointed by the Mayor, 14 of whom are appointed upon recommendation of the City Council [*Charter* §734(c)]. The Mayor designates one of the members of the Board to serve as its Chair [*Charter* §734(d)]. The members of the Board are required to meet at least quarterly [*Charter* §734(f)], and serve without compensation [*Charter* §734(e)]. The *Charter* does not define member terms of office.

If recommended by the Council and subsequently appointed by the Mayor, Mr. Bastardi, a resident of Manhattan, will fill a vacant position and be eligible to serve for an undefined term. Copies of Mr. Bastardi’s résumé and report/resolution are attached to this Briefing paper.

If recommended by the Council and subsequently appointed by the Mayor, Ms. Kruvelis, a resident of Brooklyn, will fill a vacant position and be eligible to serve for an undefined term. Copies of Ms. Kruvelis’ résumé and report/resolution are attached to this Briefing paper.

**PROJECT STAFF**

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1. The Tax Commission currently consists of the following members: Ellen E. Hoffman, President; Susan Grossman; Kirk Tzanides; and Richard Stabile. [↑](#footnote-ref-1)