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Title: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to abolishing the office of the public advocate

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Attachments: 1. Summary of Int. No. 1240, 2. Int. No. 1240, 3. November 14, 2018 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 11-14-2018, 5. Minutes of the Stated Meeting - November 14, 2018

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Int. No. 1240

By Council Members Yeger, Holden, Gjonaj, R. Diaz and Borelli

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to abolishing the office of the public advocate

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 10 of the New York city charter, as amended by local law 19 for the year 1993, is amended to read as follows:

a. In case of the suspension of the mayor from office, the mayor's temporary inability to discharge the powers and duties of the office of mayor by reason of sickness or otherwise, or the mayor's absence from the city, the powers and duties of the office of mayor shall devolve upon [the public advocate or] the comptroller [in that order of succession] until the suspension, inability or absence shall cease. While so acting temporarily as mayor [neither the public advocate nor] the comptroller shall not exercise any power of appointment to or removal from office or any power lawfully delegated by the mayor to a deputy mayor before the

commencement of such suspension or inability, or before or after the commencement of such absence; and shall not, until such suspension, inability or absence shall have continued nine days, sign, approve or disapprove any local law or resolution, unless the period during which the mayor can act thereon would expire during said nine days in which case [the public advocate or] the comptroller shall have the power to disapprove the same within forty-eight hours before the time to act expires.

§2. Subdivision b of section 10 of the New York city charter, as amended by a vote of the electors on November 5, 2002, is amended to read as follows:

b. In the case of a failure of a person elected as mayor to qualify, or a vacancy in the office caused by the mayor's resignation, removal, death or permanent inability to discharge the powers and duties of the office of mayor, such powers and duties shall devolve upon [the public advocate,] the comptroller or a person selected pursuant to subdivision c of section twenty-eight, in that order of succession, until a new mayor shall be elected as provided herein. Upon the commencement of the term of the person first elected mayor pursuant to the provisions of subdivision c of this section, the person then acting as mayor pursuant to the provisions of this subdivision, if an elected official, shall complete the term of the office to which such person was elected if any remains.

§3. Section 24 of the New York city charter is REPEALED.

§4. Subdivision a of section 26 of the New York city charter is REPEALED, and a new subdivision a is added to read as follows:

a. Reserved.

§ 5. Section 44 of the New York city charter, as amended by a vote of the electors on November 5, 2002, is amended to read as follows:

§ 44. Speaker. The council shall elect from among its members a speaker and such other officers as it deems appropriate. The speaker shall preside over the meetings of the council. [During any period when the public advocate is acting as mayor, or when a vacancy exists in the office of the public advocate, the speaker

shall act as public advocate pending the filling of the vacancy pursuant to subdivision c of section twenty-four, and shall be a member of every board of which the public advocate is a member by virtue of his or her office.]

§ 6. Subdivision b of section 93 of the New York city charter, as amended by local law number 68 for the year 1993, is amended to read as follows:

b. The comptroller shall have power to audit and investigate all matters relating to or affecting the finances of the city, including without limitation the performance of contracts and the receipt and expenditure of city funds, and take the testimony under oath of such persons as the comptroller may deem necessary. The comptroller shall conduct all audits of entities under contract with the city as expeditiously as possible and in no case shall initiate an audit later than two years after the expiration of a contract term unless the comptroller determines in writing that: (1) such audit is initiated in connection with litigation brought by or against the city, (2) it was not practicable to initiate an audit within such two year period, or (3) the initiation of the audit after the two year period is appropriate in light of information discovered in an audit of another contract of the same contractor. Such written determination shall be filed with the mayor[,] and council [and public advocate].

§ 7. Subdivision a of section 97 of the New York city charter, as amended by local law number 68 for the year 1993, is amended to read as follows:

a. There shall be an audit committee which shall consist of the mayor, the comptroller[, the public advocate] and four private members appointed by the mayor, two of whom shall be appointed upon the recommendation of the comptroller. The members of the committee shall elect a private member as chair for an annual term commencing on the first day of March.

§ 8. Subdivisions a and f of section 192 of the New York city charter, as amended by local law number 68 for the year 1993, are amended to read as follows:

a. There shall be a city planning commission to consist of the chair and twelve other members. The mayor shall appoint the chair and six other members of the commission, the [public advocate] comptroller shall appoint one member, and each borough president shall appoint one member. Members shall be chosen for their

independence, integrity and civic commitment. Appointments of all members, except for the chair, shall be subject to the advice and consent of the council. For such appointments by officials other than the mayor, the procedure for obtaining the advice and consent of the council shall be the same as the procedure provided for in section thirty-one for appointments by the mayor. Except as otherwise provided in section one hundred ninety-one, no member shall hold any other city office. Members other than the chair shall be appointed for a term of five years; provided, however, that of the members other than the chair, one member appointed by the mayor and one member appointed by a borough president shall serve for terms to expire on the thirtieth day of June, nineteen hundred ninety-one; one member appointed by the mayor and one member appointed by a borough president shall serve for terms to expire on the thirtieth day of June, nineteen hundred ninety-two; one member appointed by the mayor and one member appointed by a borough president shall serve for terms to expire on the thirtieth day of June, nineteen hundred ninety-three; one member appointed by the mayor and one member appointed by a borough president shall serve for terms to expire on the thirtieth day of June, nineteen hundred ninety-four; and two members appointed by the mayor, the member appointed by the [public advocate] comptroller and one member appointed by a borough president shall serve for terms to expire on the thirtieth day of June, nineteen hundred ninety-five. The borough presidents shall determine by lot the length of the term to be served by the member first appointed by each borough president. The appointing officials shall make their first appointments to the commission on or before the first day of March, nineteen hundred ninety. The commission members so appointed shall assume office on the first day of July, nineteen hundred ninety. Members of the commission shall serve until their successors have been confirmed. Any vacancy occurring other than by expiration of term shall be filled by the official who appointed the member in the same manner as the original appointment. A person so appointed shall serve for the unexpired portion of the term of the member succeeded. Terms shall begin on the next date after the expiration date of the preceding term.

Not later than the thirty-first day of December, nineteen hundred ninety-two and every four years thereafter, the commission shall file with the mayor, the council, the [public advocate] comptroller, the borough

presidents, and community boards, a zoning and planning report. The report shall include (1) a statement of the planning policy of the commission, which policy shall take into consideration, among other things, the ten-year capital strategy, the four-year capital program, the report on the social, economic and environmental health of the city issued pursuant to section sixteen, the strategic policy statements provided for in section seventeen and plans approved pursuant to section one hundred ninety-seven-a, (2) a summary of the significant plans and studies completed or undertaken by the department of city planning in the preceding four years, (3) an analysis of those portions of the zoning resolution that merit reconsideration in light of the planning policy of the commission and (4) proposals for implementing the planning policy of the commission whether by amendment of the zoning resolution, development of plans or otherwise.

§ 9. Section 205 of the New York city charter, as added by local law number 49 for the year 2008, is amended to read as follows:

§ 205. Comprehensive waterfront plan. Not later than the thirty-first day of December, two thousand and ten and not less than every ten years thereafter, the department of city planning shall file with the mayor, the council, the [public advocate] comptroller, the borough presidents, and the community boards, a comprehensive waterfront plan. Such plan shall be drafted in consultation with the appropriate city, state, and federal agencies and regulatory bodies, and with input from the public, and shall include (1) an assessment of waterfront resources for the natural waterfront, the public waterfront, the working waterfront and the developing waterfront, (2) a statement of the planning policy of the department of city planning, which policy shall take into consideration, among other things, the ten year capital strategy, the assessment of waterfront resources included pursuant to (1) above, the four year capital plan, the strategic policy statements provided for in section seventeen and plans approved pursuant to section one hundred ninety-seven-a and (3) proposals for implementing the planning policy of the department whether by amendment of the zoning resolution, development of plans or otherwise.

§ 10. Subdivision b of section 216 of the New York city charter, as amended by local law number 68 for

the year 1993, is amended to read as follows:

b. Upon the adoption of any such amendment by the council, it shall be certified by the mayor [, the public advocate] and the city clerk and the capital budget shall be amended accordingly.

§ 11. Subdivisions a and d of section 259 of the New York city charter, as amended by local law number 30 for the year 1994, are amended to read as follows:

a. There shall be an independent budget office to be headed by a director who shall be appointed upon the recommendation of the independent budget office advisory board, by a special committee convened for this purpose. Such committee shall consist of the comptroller, [the public advocate,] a borough president chosen by the borough presidents, and a council member chosen by the council, and shall act by majority vote. The director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties assigned by this chapter. The term of office of the director first appointed shall expire on August first, two thousand, and the terms of office of directors subsequently appointed shall expire on such date in each fourth year thereafter. Any individual appointed to fill a vacancy prior to the expiration of a term shall serve only for the unexpired portion of the term. An individual serving as director at the expiration of a term may continue to serve until a successor is appointed.

d. There shall be an independent budget office advisory committee consisting of ten members appointed jointly by the comptroller and [the public advocate] the council for five year staggered terms. Of the members originally appointed, two shall serve until the thirty-first day of March, nineteen hundred ninety-nine, two shall serve until the thirty-first day of March, two thousand, two shall serve until the thirty-first day of March, two thousand one, two shall serve until the thirty-first day of March, two thousand two and two shall serve until the thirty-first day of March, two thousand three. The members shall all be individuals with extensive experience and knowledge in the fields of finance, economics, accounting, public administration and public policy analysis, including at least one former director of the New York city office of management and budget or of a comparable office in another local government jurisdiction in the United States; one nationally recognized

expert in the fields of budget theory and the budgetary process; one former director of the New York state division of the budget or of a comparable legislative or executive office in another state government; one dean or director or former dean or director of a graduate school of business administration located in New York city; one dean or director or former dean or director of a graduate school of public administration or public affairs or public policy located in New York city; one chair or former chair of a graduate economics department of a college or university located in New York city; one officer or former officer of, or economic advisor of, a labor union; one officer or former officer of, or economic advisor to, a business corporation; one officer or former officer of a civic or public interest advocacy organization involved in budgetary matters; and one officer or former officer of a human services advocacy organization involved in budget matters. No member may be reappointed to consecutive terms. Vacancies occurring because of the expiration of terms shall be filled promptly on the recommendation of the members of the committee whose terms are not expiring. Vacancies occurring otherwise shall be filled promptly on the recommendation of the remaining members of the committee. The members of the committee shall receive no compensation but shall be reimbursed for their necessary expenses. The committee shall at its first meeting in every even numbered year elect, from among its members, a chair and vice-chair who shall serve until the thirty-first day of March of the next even numbered year.

§ 12. Paragraph 2 of subdivision b of section 333 of the New York city charter, as amended by local law number 68 for the year 1993, is amended to read as follows:

2. The agency head shall respond to the borough president's findings within ten days from receipt of such findings, indicating what action, if any, shall be taken. If such action is not satisfactory to the borough president, the borough president shall, within thirty days of receipt of such responses, be authorized to require that a hearing be held in the borough by a contract performance panel consisting of [the public advocate,] the comptroller and the mayor, or their designees, to receive the testimony of the borough president and other interested persons on the borough president's recommendations. The hearing shall be held within twenty days

from the borough president's request for the hearing. The head of the agency which procured the services in question, or designee of such agency head, and the contractor whose performance is being evaluated, shall have the right, and it shall be their duty when requested by the panel to appear and be heard.

§ 13. The definition of agency set forth in subdivision a of section 815.1 of the New York city charter, as amended by local law number 108 for the year 2018, is amended to read as follows:

Agency. The term “agency” has the same meaning as such term is defined in section 1150 and shall include the offices of the borough presidents[,] and the comptroller [and the public advocate].

§ 14. Paragraph 1 of subdivision a of section 1052 of the New York city charter, as amended by a vote of the electors on November 2, 2010, is amended to read as follows:

1. There shall be a campaign finance board consisting of five members. Two members of the board shall be appointed by the mayor, provided that not more than one such member shall be enrolled in any one political party, and two members shall be appointed by the speaker of the council, provided that not more than one such member shall be enrolled in any one political party, and one member, who shall be the chairperson, shall be appointed by the mayor after consultation with the speaker. The members shall first be appointed to serve as follows:

- (a) one member appointed by the speaker for a term of one year;
- (b) one member appointed by the mayor for a term of two years;
- (c) one member appointed by the speaker for a term of three years;
- (d) one member appointed by the mayor for a term of four years; and
- (e) the chairperson for a term of five years.

The first term shall commence on April first, nineteen hundred eighty-eight. Thereafter, each member shall be appointed, by the mayor or the speaker, according to the original manner of appointment, for a term of five years that shall, for any term beginning on or after March first two thousand eleven, commence on December first. Terms that began before, and have not expired on, March first, two thousand eleven shall be

extended and shall expire on the November thirtieth following their original March thirty-first expiration dates. Upon expiration of the term of a member, if the mayor or the speaker, as appropriate, shall fail to appoint a member within one hundred twenty days of the expiration of such term, the member whose term has expired shall be deemed appointed for an additional term of five years, provided, however, that if the expiration of such term occurs in a year in which elections, except special elections, covered by the voluntary system of campaign finance reform are scheduled, the member whose term has expired shall be deemed appointed for an additional term of five years if the mayor or the speaker, as appropriate, shall fail to appoint a member within ninety days of the expiration of such term. In case of a vacancy in the office of a member, a member shall be appointed to serve the remainder of the unexpired term by the mayor or the speaker, according to the original manner of appointment. If the mayor or the speaker, as appropriate, shall fail to appoint a member within one hundred eighty days of such vacancy, then a member shall be appointed by the board to serve for the remainder of the unexpired term, if additional time remains in such term, provided, however, that if such vacancy occurs in a year, or within ninety days prior to a year, in which elections, except special elections, covered by the voluntary system of campaign finance reform are scheduled, then a member shall be appointed by the board to serve for the remainder of the unexpired term, if additional time remains in such term, if the mayor or the speaker, as appropriate, shall fail to appoint a member within ninety days of such vacancy. Except for the chairperson, such member shall not be enrolled in the same political party as the other member appointed by the official who failed to so appoint. Each member shall be a resident of the city, registered to vote therein. Each member shall agree not to make contributions to any candidate for nomination for election, or election, to the office of mayor, [public advocate,] comptroller, borough president, or member of the council which in the aggregate are in excess of the maximum contribution applicable to such office pursuant to any local law establishing a voluntary system of campaign finance reform. No member shall serve as an officer of a political party, or be a candidate, or participate in any capacity in a campaign by a candidate, for nomination for election or election to the office of mayor, [public advocate,] comptroller, borough president or member of the city council. Officers and

employees of the city or any city agency, lobbyists required to file a statement of registration under section 3-213 of the administrative code and the employees of such lobbyists shall not be eligible to be members of the board. In appointing members to the board, the mayor and the speaker shall consider campaign experience in general and particularly campaign experience with the New York city campaign finance system. Members of the board shall be required to undergo training developed pursuant to paragraph 14 of this section.

§ 15. Paragraph 6 of subdivision a of section 1052 of the New York city charter, as amended by local law 68 for the year 1993, is amended to read as follows:

6. The board shall publicize, as it deems appropriate, the names of candidates for nomination or election to the office of the mayor, [public advocate,] comptroller, borough president, or city council who violate any of the provisions of any voluntary system of campaign finance reform established by local law.

§ 16. Subparagraph (a) of paragraph 12 of subdivision a of section 1052 of the New York city charter, as amended by local law 58 for the year 2004, is amended to read as follows:

a. The board shall require that candidates participating in the voluntary system of campaign finance reform or candidates who otherwise file disclosure reports with the board shall disclose to the board the acceptance of campaign contributions from individuals and entities doing business with the city. The board shall promulgate such rules as it deems necessary to implement and administer this provision and provide that information regarding such contributions shall be accessible to the public. The board shall also promulgate such rules as it deems necessary to regulate the acceptance by candidates participating in the voluntary system of campaign finance reform of campaign contributions from individuals and entities doing business with the city, including rules that determine which business dealings shall be covered by such rules. Elected officials, city agencies, boards and commissions, including the mayor, comptroller, [public advocate,] borough presidents, the city council and members of the city council shall cooperate with the board to provide to the board such information about such individuals and entities as the board shall require.

§ 17. Subparagraph (d) of paragraph 12 of subdivision a of section 1052 of the New York city charter, as

amended by a vote of the electors on November 2, 2010, is amended to read as follows:

(d) Any rules promulgated pursuant to this paragraph shall apply only with respect to nomination for election, or election, to the office of mayor, [public advocate,] comptroller, borough president, or member of the city council.

§ 18. Clause (iii) of subparagraph (a) of paragraph 15 of subdivision a of section 1052 of the New York city charter, as added by a vote of the electors on November 2, 2010, is amended to read as follows:

(iii) “Covered election” shall mean any primary, run-off primary, special, run-off special or general election for nomination for election, or election, to the office of mayor, [public advocate,] comptroller, borough president or member of the city council.

§ 19. Subdivision b of section 1052 of the New York city charter, as amended by local law number 170 for the year 2016, is amended to read as follows:

b. 1. The board shall take such actions as it deems necessary and appropriate to improve public awareness of the candidates, ballot proposals or referenda in all elections in which there are contested elections for the offices of mayor, [public advocate,] borough presidents, comptroller, or city council or ballot proposals or referenda pursuant to this charter or the municipal home rule law, including but not necessarily limited to the publication of a non-partisan, impartial voter guide in at least one media format providing information on candidates, ballot proposals and referenda, and the distribution of one copy of such guide to each household in which there is at least one registered voter eligible to vote in the election involved. A voter may opt out of receiving a printed copy of such guide and the board shall comply with this request to the extent feasible.

2. The board shall also take such actions as it deems necessary and appropriate to improve public awareness of the candidates in all other contested elections held in the city of New York for any city, county, state, or federal office or ballot proposals or referenda pursuant to city, county, state, or federal law, including but not necessarily limited to the publication of a non-partisan, impartial voter guide in at least one media format providing information on such candidates, ballot proposals or referenda. The board shall coordinate with

other agencies in general and specialized efforts to improve public awareness of such candidates, proposals, or referenda.

3. In any year in which the board publishes a voter guide pursuant to paragraph 1 of this subdivision, if the board determines that the amount of money in its budget is insufficient or likely to be insufficient for the publication and distribution of such guide, it shall report such determination to the director of the office of management and budget, who, after consultation with the board, shall, without an appropriation, transfer to the board a reasonable amount, as the director shall determine, to cover the cost of publishing and distributing such guide; provided however, that for any election in any district in which (i) there are no contested elections for the office of mayor, [public advocate,] borough president, comptroller or city council, and (ii) there has been no administrative action, or determination of a court of final, competent jurisdiction, to include a ballot proposal or referendum at such election sixty days or more prior to the date of such election, the board shall not publish or distribute a printed copy of such guide, but shall instead make available to the public on its website information to the extent practicable regarding any proposal or referendum that is to be included on the ballot.

§ 20. Subdivision a of section 1053 of the New York city charter, as amended by local law number 88 for the year 2017, is amended to read as follows:

a. For all elections in which there are contested elections for the offices of mayor, [public advocate,] borough presidents, comptroller, or city council or ballot proposals or referenda pursuant to this charter or the municipal home rule law, each printed voter guide published by the board shall contain:

1. material explaining the date and hours during which the polls will be open for that election; when, where, and how to register to vote; when a citizen is required to reregister; when, where, and how absentee ballots are obtained and used; instructions on how to vote; information on the political subdivisions applicable to a particular citizen's address; and any other general information on voting deemed by the board to be necessary or useful to the electorate or otherwise consistent with the goals of this charter;

2. such tables of contents, graphics, and other materials which the board determines will make the voter

guide easier to understand or more useful for the average voter;

3. information on each candidate, including but not limited to name, party affiliation, present and previous public offices held, present occupation and employer, prior employment and other public service experience, educational background, a listing of major organizational affiliations and endorsements, and a concise statement by each candidate of his or her principles, platform or views;

4. where there is a ballot proposal or referendum, concise statements explaining such proposal or referendum and an abstract of each such proposal or referendum; and

5. For a voter guide mailed in connection with the citywide primary and general elections held every four years, such voter guide shall include for each registered voter a list of the primary and general elections held over the previous four calendar years for which, according to the records of the board of elections, such voter was registered to vote and whether such voter voted in each such election. Such information may be printed separately from such voter guide, provided that it is included with the mailing of such voter guide.

§ 21. Subdivision a of section 1054 of the New York city charter, as added by a vote of the electors on November 2, 2010, is amended to read as follows:

a. There shall be a voter assistance advisory committee consisting of nine members, which shall assist the board with its duties and responsibilities under this chapter, including but not limited to overseeing the voter assistance program established by this chapter. Two members shall be appointed by the mayor, provided that not more than one such member shall be enrolled in any one political party; two members shall be appointed by the speaker of the city council, provided that not more than one such member shall be enrolled in any one political party; one member shall be appointed by the comptroller; one member shall be appointed by the borough presidents acting together; and one member shall be appointed by the mayor in consultation with the speaker and shall serve as chair. In addition, the committee shall include the [public advocate, or in his or her absence, a representative, and the] executive director of the board of elections (or, in his or her absence, the deputy executive director of the board of elections). In appointing members to the committee, the mayor,

speaker, comptroller and borough presidents shall consider experience with groups or categories of residents that are underrepresented among those who vote or among those who are registered to vote and community, voter registration, civil rights, and disabled groups. The appointed members shall first be appointed to serve as follows:

1. one member appointed by the speaker for a term of one year;
2. one member appointed by the mayor for a term of two years;
3. one member appointed by the speaker for a term of three years;
4. one member appointed by the mayor for a term of four years;
5. one member appointed by the comptroller for a term of four years;
6. one member appointed by the borough presidents for a term of five years; and
7. the chair, appointed by the mayor in consultation with the speaker for a term of five years.

Each term shall commence on January first, two thousand eleven. Thereafter, each member shall be appointed for a term of five years according to the original manner of appointment. Upon expiration of the term of a member, if the appointing official or officials shall fail to appoint a member within one hundred twenty days of the expiration of such term, the member whose term has expired shall be deemed appointed for an additional term of five years. In case of a vacancy in the office of an appointed member, a member shall be appointed to serve for the remainder of the unexpired term according to the original manner of appointment. For appointees of the mayor or speaker, such member shall not be enrolled in the same political party as the other member appointed by the official making the appointment to fill the vacancy. Each member shall be a resident of the city, registered to vote therein. No member [other than the public advocate] shall serve as an officer of a political party, or be a candidate, or participate in any capacity in a campaign by a candidate, for nomination for election or election to the office of mayor, [public advocate,] comptroller, borough president or member of the city council. The members of the committee shall serve without compensation.

§ 22. Section 1057-b of the New York city charter, as amended by local law number 60 for the year

2010, is amended to read as follows:

a. The number of signatures required for any designating petition or independent nominating petition for the designation or nomination of a candidate for an elected office of the city shall be governed by applicable provisions of the New York state election law, except that in no event shall the number of signatures required exceed the following limits:

(1) for the offices of mayor [,] or comptroller, [or public advocate,] three thousand seven hundred fifty signatures;

(2) for the office of borough president, two thousand signatures; and

(3) for the office of member of the city council, four hundred fifty signatures.

b. (1) The following provisions of the election law shall not apply to the extent that they govern the designation or independent nomination of mayor, comptroller, [public advocate,] member of the city council, and borough president: paragraphs (a), (b), and (c-1) of subdivision two of section 6-136 (designating petitions; number of signatures); and paragraphs (b), (c), and (d-1) of subdivision two of section 6-142 (independent nominations; number of signatures). Section 6-100 of the election law shall apply, except to the extent that provisions of article six of the election law are inapplicable in accordance with this section.

(2) Any other provisions that from time to time may be added to the election law and that relate to the matters covered by the provisions of the election law that are inapplicable in accordance with this section shall similarly not apply to the extent that they govern the designation or nomination of such officers.

(3) References to provisions of the election law in this section shall be deemed to refer to any successors to such provisions.

§ 23. Subdivision a of section 1061 of the New York city charter, as amended by local law number 24 for the year 1994, is amended to read as follows:

a. There shall be a commission on public information and communication which shall consist of the [public advocate] comptroller, as chair, the corporation counsel or the delegate of such officer, the director of

operations or the delegate of such officer, the commissioner of the department of records and information services or the delegate of such officer, the commissioner of information technology and telecommunications or the delegate of such officer, the president of the WNYC communications group or the delegate of such officer, and one council member elected by the council, all of whom shall serve on the board without compensation. In addition, there shall be four other members, each appointed for a four-year term, who shall not hold or seek public or political party office or be public employees in any jurisdiction, except the representative of the community board as set forth herein, to be appointed as follows: two by the mayor, one of whom is or has been a representative of the news media and one of whom shall be a member of a community board; one by the [public advocate] comptroller; and one by the borough presidents acting as a group. Such members shall receive a per diem compensation for each calendar day they perform the work of the commission. No such members shall serve for more than two consecutive four-year terms. All initial appointments shall be made by the first day of March, nineteen hundred ninety.

§ 24. Subdivisions b and c of section 1075 of the New York city charter, as added by local law 47 for the year 2005, are amended to read as follows:

b. Within seven business days from the end of each month, the department shall submit in electronic format to the speaker of the council, [the public advocate] the comptroller and each community board, and shall make available on the city's official website, a report regarding requests for service received by the 311 citizen service center since April 1, 2004, disaggregated on a month-by-month and fiscal year-by-year basis. Such report shall include, but not be limited to, the following information: (1) the total number of requests for service received in each request for service category by each agency or agencies to which the requests for service were directed; (2) the total number of requests for service received in each resolution status category by each request for service category and by each agency or agencies to which the requests for service were directed, where such information can be directly accessed by the 311 citizen service system; and (3) the average resolution time for each request for service category by the agency or agencies to which requests for service were directed, where

such information can be directly accessed by the 311 citizen service system. The data contained in the report shall be provided citywide and disaggregated by zip code, community district, council district and borough.

c. Within seven business days from the end of each month, the department shall submit in electronic format to the speaker of the council, [the public advocate] the comptroller and each community board and shall make available on the city's official website a report regarding directory assistance calls received by the 311 citizen service center since April 1, 2004, disaggregated on a month-by-month and fiscal year-by-year basis. Such report shall include, but not be limited to, the following information: the total number of directory assistance calls received for each directory assistance category by each agency or agencies to which the directory assistance calls were directed.

§ 25. Section 1109 of the New York city charter, as amended by local law number 68 for the year 1993, is amended to read as follows:

A summary inquiry into any alleged violation or neglect of duty in relation to the property, government or affairs of the city may be conducted under an order to be made by any justice of the supreme court in the first, second or eleventh judicial district on application of the mayor, the comptroller, [the public advocate,] any five council members, the commissioner of investigation or any five citizens who are taxpayers, supported by affidavit to the effect that one or more officers, employees or other persons therein named have knowledge or information concerning such alleged violation or neglect of duty. Such inquiry shall be conducted before and shall be controlled by the justice making the order or any other justice of the supreme court in the same district. Such justice may require any officer or employee or any other person to attend and be examined in relation to the subject of the inquiry. Any answers given by a witness in such inquiry shall not be used against such witness in any criminal proceeding, except that for all false answers on material points such witness shall be subject to prosecution for perjury. The examination shall be reduced to writing and shall be filed in the office of the clerk of such county within the first, second or eleventh judicial district as the justice may direct, and shall be a public record.

§ 26. Section 1137 of the New York city charter, as amended by a vote of the electors on November 2, 2010, is amended to read as follows:

It is hereby declared to be the public policy of the city of New York to limit the time elected officials can serve as mayor, [public advocate,] comptroller, borough president and council member so that there is more opportunity for citizen participation in the legislative and executive branches and the airing of a greater diversity of ideas. It is further declared that this policy is most appropriately served by limiting the time such officials can serve to not more than two consecutive full terms. It is further declared that public confidence in government should be protected by restricting amendments that would affect the application of term limits to any elected official then in office.

§ 27. Subdivisions a and b of section 1138 of the New York city charter, as amended by a vote of the electors on November 2, 2010, are amended to read as follows:

a. 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 or more consecutive full terms, unless one full term or more has elapsed since that person last held such office.

b. Notwithstanding any other provision to the contrary, no local law may be enacted by the city council, including but not limited to amendment of the provisions of this chapter, if such local law would alter or permit alteration of the term limit set forth in this section as such limit applies to any person then serving in the office of mayor, [public advocate,] comptroller, borough president or council member.

§ 28. Subdivision 1 of section 1518 of the New York city charter, as amended by local law number 68 for the year 1993, is amended to read as follows:

1. Immediately upon the completion of the assessment rolls, the city clerk shall procure the proper warrants authorizing and requiring the commissioner to collect the several sums therein mentioned according to law. Such warrants need be signed only by the [public advocate] comptroller and counter-signed by the city

clerk. Immediately thereafter and on or before the thirtieth day of June, the assessment rolls of each borough, as corrected according to law and finally completed, or a fair copy thereof, shall be delivered by the [public advocate] comptroller to the commissioner with the proper warrants, so signed and counter-signed, annexed thereto. [At the same time the public advocate shall notify the comptroller of the amount of taxes in each book of the assessment rolls so delivered.]

§ 29. Subdivision 10 of section 2601 of the New York city charter, as amended by local law number 68 for the year 1993, is amended to read as follows:

10. "Elected official" means a person holding office as mayor, comptroller, [public advocate,] borough president or member of the council.

§ 30. Paragraph 3 of subdivision d of section 2604 of the New York city charter, as amended by local law number 59 for the year 1996, is amended to read as follows:

3. No elected official, nor the holder of the position of deputy mayor, director of the office of management and budget, commissioner of citywide administrative services, corporation counsel, commissioner of finance, commissioner of investigation or chair of the city planning commission shall, within a period of one year after termination of such person's employment with the city, appear before any agency in the branch of city government served by such person. For the purposes of this paragraph, the legislative branch of the city consists of the council and the offices of the council, and the executive branch of the city consists of all other agencies of the city[, including the office of the public advocate].

§ 31. Subdivision j of section 2704 of the New York city charter, as amended by local law 68 for the year 1994, is amended to read as follows:

j. On or before the first day of December, nineteen hundred ninety, the mayor shall appoint a task force on service delivery, consisting of no more than ten members, to review the requirements of subdivisions a, c and f of this section. Such task force shall include members appointed upon the recommendation of the council, comptroller, [public advocate,] and borough presidents. The membership of the task force shall include, but not

be limited to, community board members, district managers, and representatives of the agencies subject to the requirements of this section. On or before the first day of December, nineteen hundred ninety-two, the task force shall submit a report to the mayor and council summarizing its conclusions and presenting such recommendations for changes in the list of services made coterminous pursuant to subdivisions a or c, and in the requirements for such services contained in subdivision f, as the task force deems appropriate.

§ 32. The definition of agency set forth in subdivision a of section 3-119.2 of the administrative code of the city of New York, as added by local law 97 for the year 2018, is amended to read as follows:

Agency. The term "agency" has the same meaning as such term is defined in section 1150 of the charter and shall include the offices of the borough presidents[,]and the comptroller [and the public advocate].

§ 33. Section 3-203 of the administrative code of the city of New York is REPEALED.

§ 34. Section 3-204 of the administrative code of the city of New York, as amended by local law number 68 for the year 1993, is amended to read as follows:

§ 3-204 Salaries; additional compensation for officers of council. The mayor, pursuant to the provisions of section one hundred twenty-three of the charter, may fix any additional remuneration to be paid to the vice-chairman of the council, the leader of the dominant minority party, the chairperson of the finance committee, the chairperson of the general welfare committee, and during a vacancy in the office of mayor [or the office of public advocate], the person designated to act as leader of the majority party, over and above the salaries paid to them as council members.

§ 35. Subdivisions (h) and (i) of section 3-211 of the administrative code of the city of New York, as added by local law number 15 for the year 2006, are amended to read as follows:

(h) The term "fundraising activities" shall mean solicitation or collection of contributions for a candidate for nomination for election, or election, to the office of mayor, [public advocate,] comptroller, borough president or member of the city council, or for the political committee of any such candidate by a lobbyist, or the solicitation or collection of contributions for any public servant who is a candidate for

nomination for election, or election, to any elective office, or for the political committee of any such candidate by a lobbyist. For purposes of this subchapter, the term "contribution" shall have the meaning set forth in subdivision eight of section 3-702 of the administrative code, and the term "political committee" shall have the meaning set forth in subdivision eleven of such section. The term "lobbyist" shall mean a lobbyist as defined in subdivision (a) of this section and the spouse or domestic partner and unemancipated children of the lobbyist, and if the lobbyist is an organization, the term "lobbyist" shall mean only that division of the organization that engages in lobbying activities and any officer or employee of such lobbyist who engages in lobbying activities of the organization or is employed in an organization's division that engages in lobbying activities of the organization and the spouse or domestic partner and unemancipated children of such officers or employees.

(i) The term "political consulting activities" shall mean the activities of a lobbyist who for compensation by or on behalf of the candidate or elected official, as applicable, (i) participates in the campaign of any candidate for nomination for election, or election, to the office of mayor, [public advocate,] comptroller, borough president or member of the city council by providing political advice, or (ii) participates in the campaign of any public servant who is a candidate for nomination for election, or election, to any elective office by providing political advice, or (iii) provides political advice to the mayor, [public advocate,] comptroller, borough president or member of the city council.

§ 36. Subdivisions b and e of section 3-601 of the administrative code of the city of New York, as amended by local law number 68 for the year 1993, are amended to read as follows:

b. The commission shall study the compensation levels for the mayor, [the public advocate,] the comptroller, the borough presidents, the council members and the district attorneys of the five counties within the city and shall recommend changes in those compensation levels, if warranted. In making its recommendations the commission shall take into consideration the duties and responsibilities of each position, the current salary of the position and the length of time since the last change, any change in the cost of living, compression of salary levels for other officers and employees of the city, and salaries and salary trends for

positions with analogous duties and responsibilities both within government and in the private sector.

e. The council in its discretion shall consider the recommendations of the commission and of the mayor for changes in the compensation levels of any such elected position, if any, and approve a local law changing the compensation of the mayor, [the public advocate,] the comptroller, the borough presidents, the council members, and the district attorneys of the five counties within the city.

§ 37. Subdivision 1 of section 3-702 of the administrative code of the city of New York, as amended by local law number 68 for the year 1993, is amended to read as follows:

1. The term "participating candidate" shall mean any candidate for nomination for election, or election, to the office of mayor, [public advocate,] comptroller, borough president or member of the city council who files a written certification pursuant to section 3-703 of this chapter.

§ 38. Subdivision 10 of section 3-702 of the administrative code of the city of New York, as amended by local law number 12 for the year 2003, is amended to read as follows:

10. The term "covered election" shall mean any primary, run-off primary, special, run-off special or general election for nomination for election, or election, to the office of mayor, [public advocate,] comptroller, borough president or member of the city council.

§ 39. Subdivision 14 of section 3-702 of the administrative code of the city of New York, as added by local law number 59 for the year 2004, is amended to read as follows:

14. The term "non-participating candidate" shall mean any candidate for nomination for election, or election, to the office of mayor, [public advocate,] comptroller, borough president or member of the city council who does not file a written certification pursuant to section 3-703 or meet the requirements of paragraph (a) of subdivision one of section 3-718 of this chapter, or who has, or the authorized committees of such candidate have, made expenditures in furtherance of the nomination for election or election to an office covered by this chapter.

§ 40. Paragraph (b) of subdivision 1 of section 3-703 of the administrative code of the city of New York,

as amended by local law number 48 for the year 1998, is amended to read as follows:

(b) be a candidate for mayor, [public advocate,] comptroller, borough president or member of the city council in a primary, special, or general election and meet the threshold for eligibility set forth in subdivision two of this section;

§ 41. Paragraph (f) of subdivision 1 of section 3-703 of the administrative code of the city of New York, as amended by local law number 105 for the year 2005, is amended to read as follows:

(f) not accept and his or her principal committee or authorized committees must not accept, either directly or by transfer, any contribution or contributions from any one individual, partnership, political committee, labor organization or other entity for all covered elections held in the same calendar year in which he or she is a participating candidate or a non-participating candidate which in the aggregate: (i) for the office of mayor[, public advocate] or comptroller shall exceed four thousand five hundred dollars, or (ii) for borough president, shall exceed three thousand five hundred dollars, or (iii) for member of the city council, shall exceed two thousand five hundred dollars; provided that a participating candidate and his or her principal committee or a non-participating candidate and his or her authorized committees may accept additional contributions which do not exceed one half the amount of the applicable limitation for any run-off primary election, additional day for voting held pursuant to section 3-108 of the New York state election law, special election to fill a vacancy, run-off special election to fill a vacancy, delayed or otherwise postponed election, or election held pursuant to court order which is a covered election and in which the candidate seeks nomination for election or election; and provided further that for the purposes of this paragraph, contributions made by different labor organizations shall not be aggregated or treated as contributions from a single contributor for purposes of the contribution limit that is set forth in this paragraph if those labor organizations make contributions from different accounts, maintain separate accounts with different signatories, do not share a majority of members of their governing boards, and do not share a majority of the officers of their governing boards; and provided further that if state law prescribes a contribution limitation of a lesser amount, this paragraph shall not be deemed to authorize

acceptance of a contribution in excess of such lesser amount. The maximum contributions set forth in this paragraph shall be adjusted in accordance with subdivision seven of this section;

§ 42. Subdivisions 1-a and 1-b of section 3-703 of the administrative code of the city of New York, as amended by local law 67 for the year 2007, are amended to read as follows:

1-a. Notwithstanding any inconsistent provision of this section, a participating candidate or his or her principal committee may not accept, either directly or by transfer, any contribution or contributions for a covered election in which he or she is a participating candidate from a natural person who has business dealings with the city, as that term is defined in subdivision eighteen of section 3-702 of this chapter, if the aggregate of such contributions to such candidate from such person for all covered elections in the same calendar year exceeds: (i) for the office of mayor[, public advocate] or comptroller four hundred dollars; (ii) for borough president three hundred twenty dollars; and (iii) for member of the city council two hundred fifty dollars; provided that a participating candidate or his or her principal committee may accept additional contributions which do not exceed one half the amount of the applicable limitation for any run-off primary election, additional day for voting held pursuant to section 3-108 of the New York state election law, special election to fill a vacancy, run-off special election to fill a vacancy, delayed or otherwise postponed election, or election held pursuant to court order which is a covered election and in which the candidate seeks nomination for election or election. Any contribution made pursuant to this section shall not be a matchable contribution. For purposes of this subdivision, "person" shall include any chief executive officer, chief financial officer and/or chief operating officer of an entity which has business dealings with the city, any person employed in a senior managerial capacity regarding such an entity, or any person with an interest in such an entity which exceeds ten percent of the entity. For purposes of this subdivision, the phrase "senior managerial capacity" shall mean a high level supervisory capacity, either by virtue of title or duties, in which substantial discretion and oversight is exercised over the solicitation, letting or administration of business transactions with the city, including contracts, franchises, concessions, grants, economic development agreements and applications for land use

approvals. Notwithstanding any provision of this subdivision, the limitations on contributions contained herein shall not apply to any contribution made by a natural person who has business dealings with the city to a participating candidate or his or her principal committee where such participating candidate is the contributor, or where such participating candidate is the contributor's parent, spouse, domestic partner, sibling, child, grandchild, aunt, uncle, cousin, niece or nephew by blood or by marriage.

1-b. Individuals and organizations having business dealings with the city of New York. a. Each participating candidate and his or her principal committee shall provide to every individual or entity making a contribution, loan, guarantee or other security for such loan in excess of the amounts set forth in subdivision 1-a of section 3-703 a notice containing the statement "If a contributor has business dealings with the City as defined in the campaign finance act, such contributor may contribute only up to two hundred fifty dollars for city council, three hundred twenty dollars for borough president and four hundred dollars for mayor[,] or comptroller [or public advocate]." The principal committee shall report each contribution to the board on the next applicable filing deadline in accordance with the board's disclosure schedule. The board shall check each contribution against the doing business database and shall notify the principal committee within twenty days of the reporting of such contribution if a contribution exceeding the doing business contribution limitation set forth in subdivision 1-a of section 3-703 is subject to such limitations of this subchapter or if a contribution is not matchable pursuant to such subdivision. Notwithstanding any provision in this subdivision, in the six weeks preceding the covered election the board shall provide such notification to the principal or authorized committee within three business days of the reporting of such contribution to the board in accordance with applicable reporting deadlines. If the board fails to notify the principal committee that a contribution is in excess of the limitations set forth in subdivision 1-a of section 3-703 of this chapter in accordance with this subdivision, any such contribution shall be deemed valid for purposes of such limitation, provided, however, that no such contribution shall be matchable. Such principal committee shall have twenty days from the date of any such notification to return the amount of any contribution in excess of the limitations set forth in

subdivision 1-a of section 3-703 to the contributor. No violation shall issue and no penalty shall be imposed where such excess amount is postmarked or delivered within twenty days of such notification by the board and the board shall not designate a candidate as having accepted a contribution in excess of such limitations where such excess has been returned in accordance with the time limitations set forth herein. Failure to return such excess amount in accordance with the provisions herein shall not result in the board withholding public funds for which the participating candidate's principal committee is otherwise eligible pursuant to section 3-705 of this chapter; provided, however, that the board may deduct an amount equal to the total unreturned contributions in excess of the limitations set forth in subdivision 1-a of section 3-703 of this chapter from such payment of public funds. For purposes of this section, "individual" shall include any chief executive officer, chief financial officer, and/or chief operating officer of an entity or persons serving in an equivalent capacity, any person in a senior managerial capacity regarding an entity, or any person with an interest in an entity, which exceeds ten percent of the entity. For purposes of this subdivision, the phrase "senior managerial capacity" shall mean a high level supervisory capacity, either by virtue of title or duties, in which substantial discretion and oversight is exercised over the solicitation, letting or administration of business transactions with the city, including contracts, franchises, concessions, grants, economic development agreements, and applications for land use approvals.

§ 43. Paragraph (a) of subdivision 2 of section 3-703 of the administrative code of the city of New York, as amended by local law number 67 for the year 2007, is amended to read as follows:

(a) The threshold for eligibility for public funding for participating candidates in a primary or general election, or special election to fill a vacancy, shall be in the case of:

(i) mayor, not less than two hundred fifty thousand dollars in matchable contributions comprised of sums up to one hundred seventy-five dollars per contributor including at least one thousand matchable contributions of ten dollars or more;

(ii) [public advocate and] comptroller, not less than one hundred twenty-five thousand dollars in

matchable contributions comprised of sums of up to one hundred seventy-five dollars per contributor including at least five hundred matchable contributions of ten dollars or more;

(iii) borough president, an amount equal to the number of persons living in such borough as determined by the last census multiplied by two cents in matchable contributions comprised of sums of up to one hundred seventy-five dollars per contributor including at least one hundred matchable contributions of ten dollars or more from residents of the borough, or ten thousand dollars comprised of sums of up to one hundred seventy-five dollars per contributor, whichever is greater[.];

(iv) member of the city council, not less than five thousand dollars in matchable contributions comprised of sums of up to one hundred seventy-five dollars per contributor including at least seventy-five matchable contributions of ten dollars or more from residents of the district in which the seat is to be filled.

§ 44. Paragraph (b) of subdivision 2 of section 3-705 of the administrative code of the city of New York, as amended by local law number 168 for the year 2016, is amended to read as follows:

(b) Except as otherwise provided in subdivision three of section 3-706, in no case shall the principal committee of a participating candidate receive public funds pursuant to paragraph (a) above in excess of an amount equal to fifty-five percent of the expenditure limitation provided in subdivision one of section 3-706 for the office for which such candidate seeks nomination for election or election. For the disbursement of optional public financing occurring prior to two weeks after the last day to file designating petitions for a primary election, the principal committee of a participating candidate shall not receive public funds in excess of \$250,000 for any candidate for nomination for election to the office of mayor, \$125,000 for any candidate for nomination for election to the office of [public advocate or] comptroller, \$50,000 for any candidate for nomination for election to the office of borough president, and \$10,000 for any candidate for nomination for election to the office of member of the city council.

§ 45. Paragraph (a) of subdivision 1 and subdivision 2 of section 3-706 of the administrative code of the city of New York, as amended by local law number 67 for the year 2007, are amended to read as follows:

a. Except as provided in paragraph (b) of this subdivision, in each primary election, in each special election to fill a vacancy, and in each general election, expenditures by a participating candidate or a limited participating candidate and his or her principal committee for one of the following offices shall not exceed the following amounts:

mayor: \$6,158,000

[public advocate or] comptroller: \$3,850,000

borough president: \$1,386,000

member of the city council: \$161,000

2. The following limitations apply to all expenditures made by a participating or limited participating candidate and his or her principal committee in the three calendar years preceding the year of the election for which such candidate chooses to file a certification as a participating or limited participating candidate pursuant to this chapter and to expenditures made at any time prior to such date for services, materials, facilities, advertising or other things of value received, rendered, published, distributed or broadcast in such calendar years. Such expenditures by a participating or limited participating candidate for one of the following offices and his or her principal committee shall not exceed the following amounts:

mayor [, public advocate] or comptroller: \$290,000

borough president: \$129,000

member of the city council: \$43,000

§ 46. Subdivision 1 of section 3-708 of the administrative code of the city of New York, as amended by local law number 34 for the year 2007, is amended to read as follows:

Campaign finance board. 1. There shall be a campaign finance board consisting of five members. Two members of the board shall be appointed by the mayor, provided that not more than one such member shall be enrolled in any one political party, and two members shall be appointed by the speaker of the council, provided that not more than one such member shall be enrolled in any one political party, and one member, who shall be

the chairperson, shall be appointed by the mayor after consultation with the speaker. The members shall first be appointed to serve as follows:

- (a) one member appointed by the speaker for a term of one year;
- (b) one member appointed by the mayor for a term of two years.
- (c) one member appointed by the speaker for a term of three years;
- (d) one member appointed by the mayor for a term of four years; and
- (e) the chairperson for a term of five years.

[b.] Each term shall commence on April first, nineteen hundred eighty-eight. Thereafter, each member shall be appointed for a term of five years by the mayor or the speaker, according to the original manner of appointment. In case of a vacancy in the office of a member, a member shall be appointed to serve for the remainder of the unexpired term by the mayor or the speaker, according to the original manner of appointment. In the case of a vacancy in the office of a member for which a member is holding over after expiration of the term for which the member was appointed, an appointment to such office made after June 1 in a year in which covered elections are scheduled shall not take effect prior to December 1 of that calendar year. Each member shall be a resident of the city, registered to vote therein. Each member shall agree not to make contributions to any candidate for nomination for election, or election, to the office of mayor, [public advocate,] comptroller, borough president or member of the council which in the aggregate are in excess of the maximum contribution applicable to such office pursuant to paragraph (f) of subdivision one of section 3-703. No member shall serve as an officer of a political party or be a candidate or participate in any capacity in a campaign by a candidate for nomination for election or election to the office of mayor, [public advocate,] comptroller, borough president or member of the city council. Officers and employees of the city or any city agency, lobbyists required to file a statement of registration under section 3-213 and the employees of such lobbyists shall not be eligible to be members of the board. In appointing members to the board, the mayor and the speaker shall consider campaign experience in general and particularly campaign experience with the New York city campaign finance system.

Members of the board shall be required to undergo training developed pursuant to paragraph 14 of subdivision a of section 1052 of the charter.

§ 47. Subdivision 6 of section 3-708 of the administrative code of the city of New York, as amended by local law number 68 for the year 1993, is amended to read as follows:

6. The board shall publicize, as it deems appropriate, the names of candidates for nomination or election to the offices of mayor, [public advocate,] comptroller, borough president, or city council who violate any of the provisions of this chapter.

§ 48. Subparagraph (i) of paragraph (a) of subdivision 1 of section 3-718 of the administrative code of the city of New York, as separately added by local law numbers 58, 59 and 60 for the year 2004, is amended to read as follows:

(i) be a candidate for mayor, [public advocate,] comptroller, borough president or member of the city council in a primary, special, or general election;

§ 49. Subdivisions 1 and 8 of section 3-801 of the administrative code of the city of New York, as added by local law number 39 for the year 1998, are amended to read as follows:

1. Candidates elected to the office of mayor, [public advocate,] comptroller, borough president, or member of the city council may authorize one or more entities, other than a political committee, for the purpose of accepting donations and loans, and for making expenditures, for transition or inauguration into office. Such donations and loans may not be accepted and such expenditures may not be made on behalf of the candidate prior to the registration with the campaign finance board of each such entity. The campaign finance board shall promulgate rules to establish the time and manner for such registration.

8. This section shall apply to every candidate elected to the office of mayor, [public advocate,] comptroller, borough president, or member of the city council, regardless whether such candidate filed a written certification pursuant to section 3-703 of this code.

§ 50. The introductory paragraph of subdivision 2 of section 3-801 of the administrative code of the city

of New York, as amended by local law number 58 for the year 2004, is amended to read as follows:

2. Candidates elected to the office of mayor, [public advocate,] comptroller, borough president, or member of the city council, and the entities they authorize pursuant to subdivision one of this section, shall:

§ 51. The definitions of “elected official communications” and “organization affiliated with an elected official” set forth in section 3-901 of the administrative code of the city of New York, as added by local law number 181 for the year 2016, are amended to read as follows:

Elected official communications. The term "elected official communications" means a communication in the form of: (i) radio, television, cable or satellite broadcast; (ii) printed material such as advertisements, pamphlets, circulars, flyers, brochures or letters; (iii) telephone communication; or (iv) paid internet advertising; which includes the name, voice or likeness of the person holding office as mayor, comptroller, [public advocate,] borough president or member of the council with whom the entity making such communication is affiliated. Elected official communications do not include: (i) communications with a professional journalist or newscaster, including an editorial board or editorial or opinion writer of a newspaper, magazine, news agency, press association or wire service; or (ii) a communication that is: (A) directed, sent or distributed by the distributing organization only to individuals who affirmatively consent to be members of the distributing organization, contribute funds to the distributing organization, or, pursuant to the distributing organization's articles or bylaws, have the right to vote directly or indirectly for the election of directors or officers, or on changes to bylaws, disposition or all or substantially all of the distributing entity's assets or the merger or dissolution of the distributing entity; or (B) for the purpose of promoting or staging any candidate debate, town hall or similar forum to which at least two candidates seeking the same office, or two proponents of differing positions on a referendum or question submitted to voters, are invited as participants, and which does not promote or advance one candidate or position over another.

Organization affiliated with an elected official. The term "organization affiliated with an elected official" means:

(i) a non-profit entity other than an agency, public authority, public benefit corporation or local development corporation;

(ii) which has received at least one donation in the previous or current calendar year; and

(iii) over which a person holding office as mayor, comptroller, [public advocate,] borough president or member of the council, or an agent of such a person, which shall include an appointee of such person serving at the pleasure of such person, exercises control. There shall be a rebuttable presumption of control by an elected official where such official, or such an agent, appoints a majority of seats on the board of the entity (not including appointees nominated by another individual or entity that is not such an agent of the elected official), or is a principal officer of the entity.

In determining whether a person holding office as mayor, comptroller, [public advocate,] borough president or member of the council, or an agent or appointee of such a person, exercises control over such an organization, the conflicts of interest board shall consider the totality of the circumstances, including:

(i) whether the organization was created by such an elected official or their agent, or by an individual who was previously employed by, or was a paid political consultant of, the elected official, and, if so, how recently such organization was created;

(ii) whether the board of the organization is chaired by such an elected official or their agent;

(iii) whether board members appointed by such elected official serve for terms or are appointed only upon nomination of other individuals or entities that are not agents of such elected official;

(iv) the degree of involvement or direction by the elected official in such organization's policies, operations and activities; and

(v) other such factors as the conflicts of interest board shall promulgate by rule.

§ 52. Subdivisions a and b of section 3-904 of the administrative code of the city of New York, as added by local law number 181 for the year 2016, are amended to read as follows:

a. The conflicts of interest board shall render advisory opinions with respect to all matters covered by

this chapter. An advisory opinion shall be rendered on the request of a person holding office as mayor, comptroller, [public advocate,] borough president or member of the council, an agent of such officeholder, or any non-profit entity potentially subject to the provisions of this chapter, and shall apply only to the particular circumstances of such request. The request shall be in such form as the board may require and shall be signed by the person making the request, or, in the case of a request by a non-profit entity, by a responsible officer or other representative of such entity. The opinion of the board shall be based on such facts as are presented in the request or subsequently submitted in a written, signed document. Notwithstanding any inconsistent provision of law, opinions rendered by the board pursuant to this section shall be made publicly available.

b. Within thirty days of a person taking office for the first time as mayor, comptroller, [public advocate,] borough president or member of the council, the conflicts of interest board shall notify each such elected official in writing of the obligations of organizations affiliated with such elected official set forth in this chapter.

§ 53. Subdivisions a and b of section 3-906 of the administrative code of the city of New York, as added by local law number 181 for the year 2016, are amended to read as follows:

a. Any organization that violates any provision of section 3-902 shall be subject to a civil penalty of not more than \$10,000. The conflicts of interest board may hold the person holding office as mayor, comptroller, [public advocate] or borough president with whom such organization is affiliated, if any, or their agent who violates such subdivision, jointly and severally liable for any such penalties if such person knew or reasonably should have known of the violation. The conflicts of interest board may recommend to the council that the person holding office as member of the council with whom such organization is affiliated, if any, or their agent who violates such subdivision be held jointly and severally liable for any such penalties if such person knew or reasonably should have known of the violation. In addition to such civil penalties, for the second and subsequent offense any person who knowingly and willfully violates any provision of section 3-902 shall be guilty of a class A misdemeanor.

b. Any organization that violates subdivision a, b or c of section 3-903 shall be required to return any

donations with a reasonable value in excess of the applicable donation limit, and shall be subject to a civil penalty, which for the first offense shall be not more than \$5,000, for the second offense not more than \$15,000, and for the third and subsequent offenses not more than \$30,000. The conflicts of interest board may hold the person holding office as mayor, comptroller, [public advocate] or borough president with whom such organization is affiliated, if any, or their agent who violates any such subdivision, jointly and severally liable for any such penalties, if such person knew or reasonably should have known of the violation. The conflicts of interest board may recommend to the council that the person holding office as member of the council with whom such organization is affiliated, if any, or their agent who violates any such subdivision, be held jointly and severally liable for any such penalties, if such person knew or reasonably should have known of the violation.

§ 54. Subdivisions a and f of section 7-301 of the administrative code of the city of New York, as amended by local law number 68 for the year 1993, is amended to read as follows:

a. The board of statutory consolidation shall consist of the mayor, the comptroller, the [public advocate] speaker of the council and the corporation counsel. The board from among its members shall elect a chairperson, a vice-chairperson and a secretary. The members of such board shall serve as such members without compensation. The powers and duties of such board shall include the direction and control of the revision, simplification, consolidation, codification, restatement and annotation of the statutes, local laws, and departmental rules and regulations having the force of law affecting and relating to the government, affairs and property of the city and of the counties contained therein.

f. Nothing contained in section eleven hundred fifteen or in any other section of the charter or in any other law shall be construed to prevent such mayor, comptroller, [public advocate] speaker of the council and corporation counsel from serving on such board, nor shall it prevent any city or county officer of the city from serving on the staff of such board.

§ 55. Section 11-222 of the administrative code of the city of New York, as amended by local law

number 68 for the year 1993, is amended to read as follows:

§ 11-222 Tax account of the commissioner of finance. [Upon notification from the public advocate of the amount of taxes mentioned in such assessment-rolls and tax warrants, the] The comptroller shall cause the proper [sum] amount of taxes mentioned in such assessment-rolls and tax warrants to be charged to the commissioner of finance for collection.

§ 56. Subdivision b of section 12-113 of the administrative code of the city of New York, as added by local law 33 for the year 2012, is amended to read as follows:

b. 1. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her making a report of information concerning conduct which he or she knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by another city officer or employee, which concerns his or her office or employment, or by persons dealing with the city, which concerns their dealings with the city, (i) to the commissioner, or (ii) to a council member[, the public advocate] or the comptroller, who shall refer such report to the commissioner. For purposes of this subdivision, an agency of the city shall be deemed to include, but not be limited to, an agency the head or members of which are appointed by one or more city officers, and the offices of elected city officers.

2. No officer or employee of a covered contractor or covered subcontractor shall take an adverse personnel action with respect to another officer or employee of such contractor or subcontractor in retaliation for such officer or employee making a report of information concerning conduct which such officer or employee knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by any officer or employee of such contractor or subcontractor, which concerns a contract with a contacting agency, (i) to the commissioner, (ii) to a council member[, the public advocate] or the comptroller, who shall refer such report to the commissioner, or (iii) to the city chief procurement officer, agency chief contracting officer, or agency head or commissioner of the contracting

agency, who shall refer such report to the commissioner.

3. Every contract or subcontract in excess of one hundred thousand dollars shall contain a provision detailing the provisions of paragraph two of this subdivision and of paragraph two of subdivision e of this section.

4. Upon request, the commissioner, council member[, public advocate] or comptroller receiving the report of alleged adverse personnel action shall make reasonable efforts to protect the anonymity and confidentiality of the officer or employee making such report.

5. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her making a report of information concerning conduct which he or she knows or reasonably believes to present a substantial and specific risk of harm to the health, safety or educational welfare of a child by another city officer or employee, which concerns his or her office or employment, or by persons dealing with the city, which concerns their dealings with the city, (i) to the commissioner, (ii) to a council member, [the public advocate,] the comptroller or the mayor, or (iii) to any superior officer.

§ 57. Paragraph (iv) of subdivision b of section 12-120 of the administrative code of the city of New York, as amended, is amended to read as follows:

(iv) the borough presidents may require their chiefs of staff, deputy borough presidents and general counsels to have completed more than two years of city service to be in compliance with the residency requirements of this section[, and].

§ 58. Paragraph v of subdivision b of section 12-120 of the administrative code of the city of New York is REPEALED.

§ 59. Paragraph (3) of subdivision c of section 12-127 of the administrative code of the city of New York, as added by local law number 41 for the year 2004, is amended to read as follows:

(3) The mayor of the city of New York shall ensure that an annual report is prepared utilizing the

records received from each city agency pursuant to paragraph (2) of subdivision c of this section. Such report shall be transmitted to the mayor, the comptroller [, the public advocate] and the speaker of the council of the city of New York by the first day of May, covering the previous calendar year. Such report shall include, but not be limited to:

(i) an analysis, with respect to each agency included in the report, of expenses paid as a result of workers' compensation claims, including, but not limited to, expenses relating to wage replacement, medical costs, administrative costs and any penalties paid by an agency;

(ii) a list of the occurrence of specific claims for each agency and for the city as a whole;

(iii) a list of the specific sites where injuries occurred for each agency and for the city as a whole;

(iv) year-to-year comparisons of information compiled pursuant to this paragraph.

Notwithstanding any provision of law to the contrary, a provider of medical treatment or hospital care furnished pursuant to the provisions of this section shall not collect or attempt to collect reimbursement for such treatment or care from any such city employee.

§ 60. Subdivision b of section 12-206 of the administrative code of the city of New York, as added by local law number 50 for the year 2004, is amended to read as follows:

b. The commissioner of the department of citywide administrative services shall submit a report on an annual basis beginning in two thousand five to the mayor, comptroller[, public advocate] and speaker of the council of the city of New York, by the first day of June, for the previous calendar year, regarding eligible lists.

Such report shall include, but not be limited to, the following:

1. each eligible list established during the reporting year by the department of citywide administrative services;

2. the dates such eligible lists were established;

3. the number of persons appointed or promoted from each eligible list and the agencies to which such appointments or promotions were made;

4. the number of persons appointed or promoted on a provisional basis during the reporting year and the agencies to which such appointments or promotions were made;
5. the number of persons who, during the reporting year, were considered and not selected three times from promotion lists;
6. the number of persons removed from eligible lists and the number of persons removed from promotion lists and the reason reported to the department of citywide administrative services by the agency for such removal; and
7. the number of persons restored to eligible lists and the number of persons restored to promotion lists after having been removed.

§ 61. Paragraph 2 of subdivision b of section 13-103 of the administrative code of the city of New York, as amended by local law number 68 for the year 1993, is amended to read as follows:

2. The [public advocate] speaker of the council, who shall be entitled to cast one vote. The [public advocate] speaker of the council may, by written authorization filed with the board, designate one or more officers or employees appointed by him or her to act in his or her place as a member of such board, in the event of the absence of such [public advocate] speaker of the council.

§ 62. Paragraph 6 of subdivision b of section 16-321 of the administrative code of the city of New York, as amended by local law number 68 for the year 1993, is amended to read as follows:

6. "Elected official" means a person holding office as mayor, comptroller, [public advocate,] borough president or member of the council.

§ 63. Subdivisions b and i of section 17-191 of the administrative code of the city of New York, as added by local law number 115 for the year 2005, are amended to read as follows:

b. There shall be established within the department, in accordance with all applicable state and local laws, a child fatality review advisory team to examine the facts and circumstances relating to child fatalities. The team shall consist of the commissioner of the administration of children's services, or his or her designee;

the commissioner of the police department, or his or her designee; the chief medical examiner, or his or her designee; the commissioner of the department of health and mental hygiene, or his or her designee; and, if required by applicable law, the commissioner of the New York state office of children and family services, or his or her designee. The chancellor of the department of education, or his or her designee, may become a member of the team at his or her discretion. The mayor shall appoint to the team a maximum of two additional individuals, including at least one pediatrician and at least one person who advocates on child-related issues; provided, however, that such individuals shall not hold any other public office, employment or trust. The speaker of the city council shall appoint to the team a maximum of two additional individuals, including at least one pediatrician and at least one person who advocates on child-related issues; provided, however, that such individuals shall not hold any other public office, employment or trust. The [public advocate] comptroller shall appoint to the team one additional individual; provided, however, that such individual shall not hold any other public office, employment or trust.

i. The child fatality review advisory team shall submit to the mayor, the speaker of the city council and the [public advocate] comptroller, annually, a report including, but not limited to, the number of child fatality cases which occurred in the city of New York during the previous year; statistics regarding the causes of child fatalities; specific non-identifying data with respect to the victims of child fatalities, such as gender, age and race, and, if available, religion and ethnicity; statistics regarding the location of child fatalities, disaggregated by borough; and recommendations regarding ways to decrease the future incidence of child fatalities in the city of New York.

§ 64. Paragraph 4 of subdivision c and subdivision d of section 18-131 of the administrative code of the city of New York, as added by local law number 29 for the year 2005, are amended to read as follows:

4. The commissioner of health and mental hygiene shall make the information required by paragraphs two and three of this subdivision, and such other information deemed appropriate by the commissioner of health and mental hygiene, accessible on the official department website for a period of at least one year. In

addition, on or before the first day of November of each year, the commissioner of health and mental hygiene shall forward a combined report of the dates and results of all inspections of all bathing beaches and the dates and reasons for any advisory or closure, and such other information deemed appropriate by the commissioner of health and mental hygiene, for the Friday preceding the last Monday of May until the Friday after the first Monday of September of each year, to the mayor, the [public advocate] comptroller and the speaker of the council.

d. The commissioner shall post the dates and results of departmental inspections of property under the jurisdiction of the department on its official website within seven days of the completion of the inspection cycle in which such inspection was made, except that information regarding the inspections of bathing beaches shall be posted within three days of the completion of the inspection cycle in which such inspection was made, in accordance with paragraph one of subdivision c of this section. The results of each inspection shall be accessible on the official department website for a period of at least one year. In addition, the commissioner shall forward a combined report of such inspection results to the mayor, the [public advocate] comptroller and the speaker of the council for each fiscal year by the first day of August of the next succeeding fiscal year.

§ 65. The introductory text of subdivision b of section 21-902.1 of the administrative code of the city of New York, as amended by local law 145 for the year 2016, is amended to read as follows:

b. Annual reports regarding youth and foster care. Beginning no later than February 28, 2015 for the calendar year 2014 and every year thereafter, ACS shall furnish to the speaker of the council[,] and the [public advocate] comptroller, and post on [ACS'] ACS's website a report regarding youth in foster care. Such report shall include the following information disaggregated where available and indicated with an explanation where not available by gender, race and ethnicity:

§ 66. Subdivision a of section 22-823 of the administrative code of the city of New York, as added by local law number 222 for the year 2017, is amended to read as follows:

a. Report required. In each covered contract executed on or after the effective date of this section, the

commissioner shall require the contracted entity to submit each year to the mayor, the council, the city comptroller, [the public advocate,] the borough presidents and community planning boards a report for the prior fiscal year about projected and actual jobs created and retained in connection with projects described by this section.

§ 67. Section 24-805 of the administrative code of the city of New York, as added by local law 22 for the year 2008, is amended to read as follows:

§ 24-805 Annual report. No later than September 17, 2008, and no later than every September 17 thereafter, the office shall submit to the mayor, the speaker of the council[, the public advocate] and the comptroller and post on its website a report regarding actions taken by the office pursuant to the provisions of this chapter. Such report shall include, but not be limited to:

- a. changes in citywide emissions measured in carbon dioxide equivalent achieved for the previous calendar year, relative to such emissions for the base year for citywide emissions;
- b. changes in city government emissions measured in carbon dioxide equivalent achieved for the fiscal year ending in the previous calendar year, relative to such emissions for the base year for city government emissions disaggregated according to city agency;
- c. a description of the programs developed and implemented in accordance with subdivision d of section 24-803 of this chapter and a list of the entities participating in such programs of which the office is aware; and
- d. a description of the education and outreach activities developed and implemented pursuant to section 24-804 of this chapter.

§ 68. Section 27-2109.2 of the administrative code of the city of New York as added by local law 62 for the year 2018, is amended to read as follows:

§ 27-2109.2 Online portfolio report of registered property owners. The department shall maintain through the department's website a publicly accessible electronic interface that reports portfolio information based on the name of a property owner. The report shall be based on the last valid information registered with

the department pursuant to section 27-2097. Such report shall include (i) the address of each registered property owned by such registered owner; (ii) the current number of outstanding violations issued by the department, disaggregated by class, for each property; (iii) the number of findings of harassment currently on record with the department; and (iv) the number and types of departmental orders pending on each property. [The department may provide the aggregate data used to create such website to the public advocate upon request in a form that permits automated processing and downloading.]

§ 69. This local law takes effect immediately after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and is approved by a majority of such electors voting thereon.

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8/22/18