



Legislation Text

File #: Res 0495-2006, **Version:** *

Res. No. 495

Resolution calling upon the State Legislature and the Governor to amend the Municipal Home Rule Law by placing limitations on the number of consecutive charter revision commissions that may be created by the Mayor of the City of New York pursuant to Municipal Home Rule Law §36(4).

By Council Members Avella, Dickens, Palma and Sanders Jr.

Whereas, Charter revision commissions in New York City created pursuant to Municipal Home Rule Law §36 have at times dramatically altered and bettered governmental operation; and

Whereas, It was the clear intention of the State legislature that charter revision commissions, both those created by local legislative bodies under Municipal Home Rule Law §36(2) and those created by a mayor under Municipal Home Rule Law §36(4), be given ample time to thoroughly review a city's charter in its entirety before releasing its proposals to the general public; and

Whereas, The State legislature further intended such charter revision commissions to be utilized rarely, and then only for large overhauls of the system of government, such as the 1989 New York City charter revision commission mandated by a decision of the United States Supreme Court; and

Whereas, Unfortunately, such statutory provisions of the Municipal Home Rule Law have been construed by recent New York City mayoralities to permit the creation of numerous Charter Review Commissions in the past ten years, each lasting an average of less than ten weeks, in order to pervert the political process envisioned by the drafters of Municipal Home Rule Law §36; and

Whereas, The four previous commissions created before the most recent set, each required an average of approximately eighteen months in order to sufficiently complete its work and were created over a period of nearly twenty years; and

Whereas, The most recent set of commissions, all created by the Mayor, have shared in common with the Mayor's office significant resources, including the entire staffs of each commission; and

Whereas, The relatively short durations of the recent commissions created in close succession and each reviewing only a small portion of the charter, evince a common and deep bias toward the partisan political concerns of the Mayor; and

Whereas, creating the commissions often exploits the charter review process, as it is used as a tool to shift the legislative function of the city's government to the Mayor, who is empowered by law only to implement legislation, not to create it; and

Whereas, Though it cannot be denied that these practices are antithetical to the purposes of Municipal Home Rule Law §36, absent explicit statutory language enumerating such purposes in unequivocal terms, the practices of the current and previous administrations in this area will continue to the detriment of the governmental representation of all New York City residents; and

Whereas, Limiting the number of consecutive charter revision commissions that may be created by the Mayor would have the effect of curtailing this subversive and unacceptable practice, as well as restoring the balance of power necessary to ensure an informed and duly authorized method of amending the New York City Charter; now, therefore, be it

Resolved, That the Council of the City of New York urges the State Legislature and the Governor to amend Municipal Home Rule Law by placing limitations on the number of consecutive charter revision commissions that may be created by the Mayor of the City of New York pursuant to Municipal Home Rule Law §36(4).

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