



Legislation Text

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Int. No. 908-A

By The Speaker (Council Member Adams) and Council Members Abreu, Restler, Brewer, Hudson, Brannan, Hanif, Farías, Avilés, Ossé, Nurse, Ayala, Stevens, Brooks-Powers, Gennaro, Salaam, Riley, Mealy, Joseph, Menin, Ung, Narcisse, Krishnan, Won, Gutiérrez, Cabán, De La Rosa, Rivera, Sanchez, Feliz, Dinowitz and the Public Advocate (Mr. Williams)

A Local Law to amend the New York city charter, in relation to requiring council advice and consent for certain commissioners

Be it enacted by the Council as follows:

Section 1. Section 31 of the New York city charter, as amended by a vote of the electors on November 5, 2019, is amended to read as follows:

§ 31. Power of advice and consent. [Appointment] a. Any inconsistent provision of this charter notwithstanding, appointment by the mayor of the [commissioner] commissioners of buildings, children's services, citywide administrative services, consumer and worker protection, cultural affairs, design and construction, environmental protection, finance, health and mental hygiene, homeless services, housing preservation and development, information technology and telecommunications, investigation, parks and recreation, sanitation, small business services, social services, transportation, and youth and community development, the commissioner for the aging, the director of city planning, the corporation counsel, and the members of the art commission, board of health [(other than the chair)], board of standards and appeals, city planning commission [(other than the chair)], civil service commission, landmarks preservation commission, tax commission, taxi and limousine commission and the public members of the environmental control board shall be made with the advice and consent of the council after a public hearing.

b. Within 30 days after the first stated meeting of the council after receipt of a nomination, the council

shall hold a hearing and act upon such nomination and in the event it does not act within such period, the nomination shall be deemed to be confirmed.

c. Within 60 days following the occurrence of a vacancy in the office of any head of department subject to the provisions of subdivision a, the mayor shall submit to the council the name of the mayor's nominee for such office. If the council disapproves a nomination while the office is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 2. Subdivision a of section 192 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 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 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 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.

§ 3. Section 391 of the New York city charter, as amended by a vote of the electors on November 5, 2019, is amended to read as follows:

§ 391. Department; corporation counsel[; vacancy].

[a.] There shall be a law department the head of which shall be the corporation counsel.

[b. Within 60 days following the occurrence of a vacancy in the office of the corporation counsel, the mayor shall submit to the council the name of the mayor's nominee for corporation counsel. If the council disapproves a nomination while the office of the corporation counsel is vacant, the mayor shall submit a new nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.]

§ 4. Subdivision a of section 551 of the New York city charter, as amended by local law number 14 for

the year 2022, is amended to read as follows:

a. There shall be a department of health and mental hygiene, the head of which shall be the commissioner of health and mental hygiene who shall be appointed by the mayor with the advice and consent of the council. The department shall have and exercise all powers of a local health department set forth in law. Notwithstanding any other provision of this charter to the contrary, the department shall be a social services district for purposes of the administration of health-related public assistance programs to the extent agreed upon by the department, the department of social services and the department of homeless services. Appropriations to the department for mental health, intellectual and developmental disability, and alcoholism services shall be set forth in the expense budget in separate and distinct units of appropriation. In determining the annual amount of city funds to be appropriated by the city for mental health, intellectual and developmental disability, and alcoholism services, the following provision shall apply: in the event that the executive budget proposes a decrease in city funds measured against the budget for the current fiscal year, as modified in accordance with section 107, for the units of appropriation for mental health, intellectual and developmental disability, and alcoholism services, the executive budget shall not propose a greater percentage decrease in city funds measured against the budget for the current fiscal year, as modified in accordance with section 107, for the units of appropriation for mental health, intellectual and developmental disability, and alcoholism services than has been proposed for the units of appropriation for public health services. If, however, in his or her discretion, the mayor determines that it is in the city's best interest to submit an executive budget at variance with the requirements of this provision, the mayor shall include an explanation of the basis for this variation as part of the budget message.

§ 5. Severability. If any provision of this local law is held invalid or ineffective in whole or in part, with respect to the appointment of any commissioner, submission for inclusion or inclusion on a ballot at any election, or in any other manner, such holding shall not affect, impair or invalidate any portion of, or the remainder of, this local law, and all other provisions thereof shall nevertheless be separately and fully effective.

§ 6. This local law shall be submitted for approval by the electors at the next general election not less than 60 days after the adoption of this local law pursuant to section 23 of the municipal home rule law; provided, however, that if this local law is not submitted to the voters at such election pursuant to section 36 of the municipal home rule law, this local law shall be submitted for approval by the electors at a special election held on the first Tuesday following such general election at which such a vote may validly be held pursuant to the provisions of the municipal home rule law and the election law, or at a general election if such a general election at which this local law may be voted on occurs prior to any such valid special election date. The New York city clerk shall take all necessary steps to effectuate the provisions of this section in accordance with law.

§ 7. This local law takes effect immediately upon certification that it has been approved by the electors; provided, however, that any office subject to advice and consent of the council pursuant to the amendments to section 31 of the New York city charter made by section one of this local law that is vacant on such effective date, will be deemed to have become vacant on such effective date.

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