



## Preliminary Staff Report Summary

June 2024

This document contains a summary of the preliminary staff recommendations of the 2024 Charter Revision Commission (the Commission). Following a review of the entire Charter of the City of New York, discussion with Commissioners, public feedback, expert testimony, research, and investigation, the staff recommends certain ideas and proposals for the Commissioner’s consideration and public review.

These recommendations are intended to inform the Commissioners in their work. They are not the final recommendations of the Commission or in any way binding on the Commissioners.

### Background

The Charter of the City of New York functions as the local constitution and sets out the structure, powers, and responsibilities of New York City’s government. The Charter establishes the institutions and processes of the City’s political system and broadly defines the authority and responsibilities of city agencies and elected officials, including the Mayor, the City Council, the Comptroller, Borough Presidents, and the Public Advocate.

On May 21, 2024, Mayor Eric Adams established the 2024 Charter Revision Commission and appointed Carlo Scissura as chair, and 12 other community leaders to serve on the Commission. The Mayor has charged the Commission with reviewing the entire Charter to ensure that it works efficiently and is responsive to all New Yorkers. The Mayor also asked the Commission to examine, in particular,

whether the Charter can be amended to promote public safety and fiscal responsibility.

## Public Outreach and Public Participation

From its creation, the Commission has pursued a robust public outreach campaign to solicit ideas from the diverse communities and stakeholders that make up New York City. To date, these efforts have included:

- Live webcasts of all Commission hearings and meetings;
- Publishing hearing notices, press releases, transcripts, resolutions, archived video, and other materials on the Commission's website: [www.nyc.gov/charter](http://www.nyc.gov/charter);
- Holding public hearings at accessible locations in each borough both during the day and in the evening in an effort to provide multiple opportunities for the public to address the Commission in person;
- Allowing virtual public testimony during all public hearings to allow New Yorkers to have their voice heard in whichever way best suits their schedule;
- Translation services at all hearings and public meetings;
- Television interviews, community newspaper op-ed, and ethnic and community roundtable discussion with the Chair to raise awareness of public hearings;
- Work with elected officials and community organizations to spread the word about Commission hearings; and
- Acceptance of written testimony through July 12<sup>th</sup> at [charterinfo@citycharter.nyc.gov](mailto:charterinfo@citycharter.nyc.gov).

## Upcoming Borough Hearings

Following issuance of this report, the Commission will undertake further efforts to solicit public input. A schedule of public hearings to come is available at [nyc.gov/charter](http://nyc.gov/charter). Currently scheduled public hearings include:

<p><b>Monday, June 24, 2024, 5:00 pm – 8:00 pm</b></p> <p>Curtis High School 105 Hamilton Avenue Staten Island, NY 10301</p>	<p><b>Wednesday, June 26, 2024, 5:00 pm – 8:00 pm</b></p> <p>NYC Department of Design and Construction 30-30 Thomson Ave Queens, NY 11101</p>
<p><b>Thursday, June 27, 2024, 5:00 pm – 8:00 pm</b></p> <p>Medgar Evers College 1650 Bedford Avenue Brooklyn, NY 11225</p>	<p><b>Monday, July 8, 2024, 5:00 pm – 8:00 pm</b></p> <p>Schomburg Center for Research in Black Culture 515 Malcolm X Boulevard (at 135<sup>th</sup> Street) New York, NY 10037</p>
<p><b>Tuesday, July 9, 2024, 5:00 pm – 8:00 pm</b></p> <p>Staten Island University Hospital North 475 Seaview Avenue Staten Island, NY 10305</p>	<p><b>Thursday, July 11, 2024, 5:00 pm – 8:00 pm</b></p> <p>Fordham University 441 East Fordham Road Bronx, NY 10458</p>

## Fiscal Responsibility

The Charter requires that each year the Mayor propose, and the City Council adopt, a balanced budget.<sup>1</sup> The budget, which encapsulates the joint budgetary priorities of both the Council and the Mayor, serves two primary purposes. First, it provides a comprehensive and predictable structure to the City’s expenditures and revenue over the fiscal year. Second, it promotes sound fiscal management.

While reviewing and approving the City’s budget is arguably the most significant legislative action taken by the Council each year, its legislative reach

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<sup>1</sup> The schedule in the Charter reflects an expectation that the budget will be adopted by the start of the subsequent fiscal year, or July 1<sup>st</sup>. N.Y.C. Charter §§ 225, 226.

extends well beyond the annual budget process. The Council has the power by majority vote to pass proposed legislation on many diverse issues, and it frequently exercises this power with legislation that affects municipal operations, including City services and benefits.

City Council legislation frequently affects the City budget. In view of this reality, the Charter requires that no local law may be voted on by the Council, or a committee of the Council, unless it is accompanied by a Fiscal Impact Statement.<sup>2</sup> These statements, which pursuant to Council Rule, are prepared by the Finance Division of the City Council, detail the City Council's estimate of the fiscal impact of a law on City revenues and expenditures.<sup>3</sup>

The Council typically publishes Fiscal Impact Statements only when proposed legislation is on the cusp of adoption as a law.<sup>4</sup> This means that much of the public debate around a law – including the Council's public hearing on the proposed bill – occurs in the absence of the Fiscal Impact Statement.<sup>5</sup> Moreover, these statements may underestimate actual cost.

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<sup>2</sup> *Id.* at § 33.

<sup>3</sup> N.Y.C. Council Rule 6.50 (providing for Council finance division review).

<sup>4</sup> It is common practice for a Fiscal Impact Statement to be formulated in the week leading up to a legislative introduction's passage, and not earlier. This is largely because the final text of the legislation is typically finalized a week prior to the full Council Stated Meeting at which the full Council intends to pass the legislation — due in part to requirements that a bill be in its final form at least 7 days (not including Sundays) prior to the full Council vote. Thus, relevant costs are typically only presented in the calendar week during which the Stated Meeting of the City Council is scheduled so that the Council can vote on the proposed legislation. N.Y.C. Charter § 36.

<sup>5</sup> For example, the Council's initial Committee hearing for the bill that became Local Law No. 196 of 2017 was held on January 31, 2017, but the fiscal note for the bill was not published until

Thus, while the annual budget is intended to fund the operations of the City throughout the fiscal year, legislation passed outside of the budget process nevertheless impacts the use of tax revenues and governmental expenditures. Where legislation with a fiscal impact is passed, it falls on agencies and the Office of Management and Budget to determine how to fund new obligations that were not accounted for when the fiscal year began.

## Capital Planning

Capital planning enables New York City to strategically implement critical infrastructure investments.

Comptroller Brad Lander submitted testimony recommending several initiatives concerning managing New York City’s finances.<sup>6</sup> One proposal relates to modernizing the City’s approach to infrastructure assessment, capital planning and budgeting.<sup>7</sup> The Comptroller recommends explicitly mentioning the link between infrastructure assessment and the Ten-Year Capital Strategy and identifying certain considerations that should be considered in the Ten-Year Capital Strategy.<sup>8</sup>

Capital planning has been a priority for Mayor Adams since the beginning of his administration. In November of 2023, the Mayor and the Comptroller released the City’s first comprehensive capital projects tracker, which allows users to view

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September 20, 2017, the same day as Committee’s second and final public hearing on the legislation, and a week before its passage on September 27, 2021.

<sup>6</sup> Office of the New York City Comptroller Brad Lander, “Comptroller Lander Proposes Charter Revisions to Better Manage New York City’s Finances,” *New York City Comptroller Brad Lander*, June 7, 2024, <https://comptroller.nyc.gov/newsroom/comptroller-lander-proposes-charter-revisions-to-better-manage-new-york-citys-finances/>.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

the status and budget of all capital projects from major agencies.<sup>9</sup> The Mayor has released the largest ever Ten-Year Capital Plan, a plan that prioritizes transportation, housing, environmental protection, and schools.<sup>10</sup>

## Budgetary Efficiency

The Mayor's Office of Management and Budget has also suggested that certain technical fixes to the Charter could promote efficiency and ensure that the Charter-mandated process reflects modern realities.

### Staff Recommendation

Staff recommends that the Commission further consider and solicit feedback concerning measures to:

- (1) Improve assessment of the financial impact of legislation on the budget, including by requiring an assessment of fiscal impacts earlier in the legislative process and by involving additional parties in the assessment process;
- (2) Harmonize the Charter-mandated budget process with the Council's power to pass legislation with budget impacts outside the annual appropriations process;
- (3) Update provisions concerning capital plan inventory and maintenance estimates, including by adding an explicit statement of purpose linking the

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<sup>9</sup> Office of the Mayor, "Mayor Adams, Comptroller Lander Bring Transparency and Accountability Into Capital Process with City's First Comprehensive Capital Projects Tracker," *The Official Website of the City of New York*, Nov. 1, 2023, <https://www.nyc.gov/office-of-the-mayor/news/837-23/mayor-adams-comptroller-lander-bring-transparency-accountability-capital-process-with>.

<sup>10</sup> Samar Khurshid, "Promising Projects Faster and Cheaper, Adams Administration Pursues Capital Construction Reforms," *Gotham Gazette*, Feb. 14, 2024, <https://www.gothamgazette.com/city/11807-nyc-capital-construction-reforms-mayor-adams>.

infrastructure assessment to the Ten-Year Capital Strategy, modifying the inventory to reflect additional pertinent details, and including additional criteria for identification of capital needs to be included in the Ten-Year Capital Strategy; and

- (4) Modernize deadlines and related technical requirements to promote efficiency in the budget process.

## Public Safety

One of the most basic obligations of government is to protect public safety. The history of New York City underscores that the fortunes of the City as a whole are inextricably linked to its ability to protect the public and maintain public confidence in law enforcement. Today, after decades of progress, New York City is one of the safest big cities in America. Nevertheless, New Yorkers continue to identify crime and public safety as top issues of concern.<sup>11</sup>

The City Council, as the legislative body of the City, also plays an important part in public safety. The Council’s role in the budgetary process helps determine the resources available to the City’s public-safety agencies.<sup>12</sup> The Council also frequently passes legislation bearing upon the agencies responsible for public safety, or which may indirectly promote or inadvertently impair public safety.<sup>13</sup>

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<sup>11</sup> See, e.g., Rebecca C. Lewis, “Siena poll: New Yorkers are still worried about crime,” *City & State New York*, July 12, 2023, <https://www.cityandstateny.com/politics/2023/07/siena-poll-new-yorkers-are-still-worried-about-crime/388402/> (noting that New Yorkers consistently express concerns about crime and public safety in public polling).

<sup>12</sup> See, e.g., N.Y.C. Charter §§ 247, 253 (requiring City Council to hold hearings and make recommendations related to the budget).

<sup>13</sup> See, e.g., Local Law No. 23 of 2024 (requiring NYPD share body-worn camera footage with DOI within 10 days of DOI’s request); Local Law No. 20 of 2024 (requiring NYPD report when

The Commission has heard considerable testimony expressing concern about the Council’s passage of legislation pertaining to public safety with limited opportunities for public input or consultation with experts, affected agencies, and critical stakeholders.

### **Staff Recommendation**

Staff recommends that the Commission further consider and solicit feedback concerning measures to:

- (1) Enhance the deliberative process for legislation pertaining to public safety while preserving the City’s ability to take expedited action when necessary;
- (2) Strengthen opportunities for public, agency and critical stakeholder input on legislation relating to public safety; and
- (3) Revise the Charter to promote public safety.

### **Government Reform Recommendations**

Staff recommends that the Commission solicit and consider further feedback concerning:

1. Investigating measures to improve services provided to, and promote the utilization of, MWBEs, including studying the creation of a new agency dedicated to this purpose.
2. Granting employees of the Mayor’s Office of Media and Entertainment the power to issue film permits by revising section 1072 of the Charter to give the Department of Information Technology and Telecommunications (which

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an individual denies consent to a search); Local Law No. 25 of 2024 (requiring NYPD disclose donations of \$1 million or more); Local Law No. 26 of 2024 (requiring NYPD report their justifications for a vehicle stop).



houses the Mayor's Office of Media and Entertainment) the same powers and authorities for film and television permitting as are currently vested in the Department of Small Business Services by section 1301;

3. Repealing Section 1122 and superseding Ad. Code provisions requiring surety bonds for elected officials;
4. Revising Sections 643 and 1301 of the Charter to move the waterfront permitting process for the construction and alteration of all structures on waterfront property, including maritime structures, to DOB;
5. Exploring updates to Chapter 31 of the Charter to clarify and expand DSNY responsibilities to facilitate cleaner streets, sidewalks and city-owned property;
6. Combining the Archival Review Board and the Archives, Reference and Research Board into one body; and
7. Collecting resident feedback respecting local quality-of-life and service delivery to inform municipal operations and the budget.