



## Ballot Abstracts

### Ballot Question 2: Cleaning Public Property

The Department of Sanitation (DSNY) is responsible for the cleanliness of New York’s streets and the disposal of waste. The current Charter grants the DSNY Commissioner the power to adopt regulations relating to the use of sidewalks for disposal of refuse and to issue violations for failure to comply with such regulations punishable by fine, imprisonment, or civil penalty. The Charter currently does not expressly set forth any requirement to containerize refuse—even though DSNY has issued several rules that limit the amount of time that non-containerized refuse spends on City streets. The current Charter also does not provide DSNY with jurisdiction over certain property, such as parks and highway medians. Additionally, while the Office of Street Vendor Enforcement is housed within DSNY, the Office does not have the authority to enforce vending on certain City properties, such as in parks.

The proposed amendments would clarify that DSNY has jurisdiction to clean all City property at the Mayor’s direction. The proposed changes would also clarify that DSNY has the authority to ensure that street vendors comply with sanitation requirements not just on the streets but on other City-owned properties. Lastly, this proposal would expressly recognize DSNY’s authority to regulate the proper placement of bags of refuse on the sidewalk, including by requiring that waste be placed in containers.

### Ballot Question 3: Additional Estimates of the Cost of Proposed Laws and Updates to Budget Deadlines

This proposal would require additional analysis of the fiscal impacts of proposed local laws. The proposal would also update certain budget timelines.

First, the amendment would require the Council to estimate the cost of proposed laws prior to a public hearing by a Council committee and prior to a full vote of the Council. It would also require the Council to provide an opportunity for the Mayor's Office of Management and Budget to submit its own estimate in a timely manner.

Currently, the Charter requires a Fiscal Impact Statement before a vote on a local law by a Council Committee and before a vote by the full Council. It does not specify who should develop those Statements, but in practice the Council formulates them. This amendment would codify the Council's role. It would also move the Fiscal Impact Statement requirement earlier in the legislative process by requiring them before public hearings. Further, as noted above, the amendment would ensure that the Mayor, acting through the Office of Management and Budget, has an opportunity to submit financial estimates. As a result, Fiscal Impact Statements would, with this amendment, generally contain two estimates: one from the Council itself, and one from the Mayor. Specifically, the amendment would require that the Council give eight days' notice to the Mayor (unless the Mayor waives the notice) before holding a public hearing or a full Council vote on a proposed local law, allowing the Office of Management and Budget to provide its own financial estimate. However, if that office has not responded at least three days before the hearing or vote, the Council could still move forward with such hearing or vote.

Second, this amendment would update several budget-related deadlines in the Charter, with the intention of reflecting modern practices. In particular, it would give new mayoral administrations more time to compose a preliminary budget by extending the deadline for the preliminary budget from January 16<sup>th</sup> to February 1<sup>st</sup> in years following a mayoral election. There is precedent for this: recognizing that the existing January 16<sup>th</sup> deadline can be difficult for a new administration to meet, on past occasions the City Council has passed local laws that extend the deadline for submitting the preliminary budget when a new Mayor enters office. The proposed amendment would similarly update related budget deadlines to accommodate the new preliminary budget deadline: in years following a mayoral election, the deadline for the Mayor to submit a preliminary certificate on capital debt and obligations would be extended from January 16<sup>th</sup> to February 1<sup>st</sup>, and the deadline for the Independent Budget Office to report on revenues and expenditures would be extended from February 1<sup>st</sup> to February 15<sup>th</sup>.

Likewise, with the intention of promoting a more accurate executive budget, this amendment would extend the deadline for submitting the executive budget from April 26<sup>th</sup> to May 1<sup>st</sup>. The Charter presently requires the Mayor to submit an executive budget on April 26<sup>th</sup>. That date falls shortly after the April 15<sup>th</sup> tax deadline, which gives the City relevant information about tax collections. A short extension of the executive budget deadline—to May 1<sup>st</sup>—would give the Office of Management and Budget more time to determine likely revenue. The amendment would accordingly extend the deadline for Borough President recommendations on the executive budget from May 6<sup>th</sup> to May 13<sup>th</sup>.

## Ballot Question 4: More Input on Public Safety Legislation

This amendment would establish additional procedural requirements before the Council votes on proposed local laws respecting the public safety operations of three City agencies: the Police Department, Department of Correction, or Fire Department.

Prior to a vote by the full Council on a covered public safety proposal, the Council would be required to give an additional notice to the public, the Mayor, and the commissioner of each affected agency at least 30 days in advance of such vote. The Mayor and affected agencies could use the period between such notice and such vote to hold one or more additional public hearings on the proposal in order to solicit additional public input. The Mayor could waive the additional procedures imposed by this amendment.

## Ballot Question 5: Capital Planning

The City engages in regular capital planning to determine how to invest in its infrastructure. As part of that assessment, information about the City's infrastructure is collected and shared through several documents, including the annual Citywide Statement of Needs, the annual inventory of city facilities, and the bi-annual Ten-Year Capital Strategy. All three documents provide information about the City's existing infrastructure and planned investments. However, the Charter does not explicitly require the City, when developing the Statement of Needs, to look at maintenance and repair. Nor does it require the City, its Ten-Year Capital Strategy, to consider its official facility inventory or Statement of Needs.

The proposed amendments would require that the City, when assessing significant City facility expansions and reductions in its annual Statement of Needs, also collect information related to maintenance needs, like the condition, function, and estimated useful life of all City facilities, to the extent practicable. The amendments would also require that the Department of City Planning and the Office of Management and Budget, when developing the Ten-Year Capital Strategy, consider City facility conditions and maintenance needs, together with other factors such as geographic distribution, impact on resiliency, and the importance of facilities for agency operations. The amendments would change the date that the Ten-Year Capital Strategy is due from November 1<sup>st</sup> to align with the date for the City's preliminary budget, which is currently January 16<sup>th</sup>. The amendments would similarly change the date for the public hearing associated with the Ten-Year Capital Strategy to accommodate the later date for the initial submission.

## Ballot Question 6: Minority and Women-Owned Business Enterprises (MWBEs), Film Permits, and Archive Review Boards

This amendment would revise several provisions in the Charter.

First, to support minority and women-owned business enterprises (MWBEs), this amendment would establish the Chief Business Diversity Officer (CBDO) in the Charter. It would also provide that the CBDO will serve as the point of contact for MWBEs, evaluate the efficacy of the City's policies to address disparities in procurement, and propose needed changes to city policy.

Second, this amendment would empower the Mayor to give the office that processes film permits—the Mayor's Office of Media and Entertainment (MOME)—the power to issue those permits. At present, the City Charter only gives the power to issue permits for film and television to the Department of Small Business Services. As a result, to discharge its film permitting duties and perform its mission to strengthen New York City's creative economy, the Commissioner of MOME is an employee of the Department of Small Business Services. Other MOME employees do not have the ability to grant film and television permits if the Commissioner is unable to fulfill their duties or if the position is temporarily vacant. The proposed amendment would empower the Mayor to designate another City agency to grant these permits, allowing the Mayor to designate MOME and ensure other MOME employees can exercise this authority when appropriate.

Third, this amendment would combine two Charter-created boards that focus on review of municipal archives. Under the current Charter, the City must maintain both the Archival Review Board and the Archives, Reference and Research Advisory Board. These boards have similar missions and annual reporting mandates. This proposed amendment would combine the Archival Review Board and the Archives,

Reference and Research Board into one body, the Municipal Archives and Library Advisory Board, in an effort to promote efficiency and save City resources. This proposed amendment would take effect immediately.