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Pages from Proposed Charter

New York City Charter Revision Commission

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have the powers of a finance board under the local finance law and may exercise such powers without regard to any provision of law prescribing the voting strength required for a resolution or action of such finance board, provided, however, that whenever the mayor determines that obligations should be issued and the amount thereof, he shall certify such determination to the comptroller who shall thereupon determine the nature and term of such obligations and shall arrange for the issuance thereof.

d. The mayor shall establish a minimum per diem compensation for inspectors of election and clerks employed to assist the inspectors of election in polling places under the direction of the board of elections as follows: on registration and primary election days twenty dollars; on Election day thirty-five dollars, except that the chairman of each election board shall receive an additional three dollars compensation per day. [e.] The minimum per diem rate for compensation for election inspectors attending classes of instruction shall be five dollars.

e. The mayor shall establish a professional internal audit function in the executive office of the mayor which is sufficient to provide the mayor with such information and assurances as the mayor, as the chief executive of the city, requires to ensure the proper administration of the city's affairs and the efficient conduct of its business.

f. Except as otherwise provided in section eleven, the mayor may, by executive order, at any time, create or abolish bureaus, divisions or positions within the executive office of the mayor as

by law to be paid into any other fund or account shall be paid into a fund to be termed the "general fund."

Sec. 129. Revenue estimation report. Not later than the thirtieth day of September, the comptroller shall certify to the mayor the actual revenues for the previous fiscal year. Not later than the fifteenth day of October, the mayor shall issue a report comparing actual revenues to estimated revenues in the budget as adopted for such fiscal year, accompanied by a detailed listing and an explanation of any variances between actual revenues and estimated revenues. This report shall be published in the City Record.

Sec. 130. Expenditure reports. Any public or private agency, authority, corporation, board or commission which receives city funds and is not otherwise subject to the requirements of section one hundred twenty-three of this chapter shall submit quarterly reports of the expenditure of such funds to the mayor in such form and detail as the mayor may prescribe.

Sec. 131. Self-dealing among members of the governing boards of charitable institutions. a. Any charitable institution which receives any payment from the New York city charitable institutions budget shall pass and implement by-laws which will:

1. Require disclosure to the agency responsible for the administration of charitable institutions budget and approval by such agency of the material terms of any contract or transaction, direct or indirect, between an institution and any member of its governing board, any partnership of which he or she is a member or

any corporation in which he or she holds ten per cent or more of the outstanding common stock.

2. Preclude any member of the governing board of any institution from sharing, participating or benefiting, directly or indirectly, in the proceeds from any contract or transaction entered into between the institution and any third party unless such participation or benefit has been approved in advance by the agency and the governing board of the institution has approved the transaction by a two-thirds majority excluding the vote of member to be benefited.

3. Require each member of its governing board to submit to the agency each year a disclosure statement including such member's name, home address, principal occupation and business interests from which such member or such member's spouse received income equal to or greater than ten per cent of their aggregate gross income during the previous year.

b. At the discretion of the agency, any payment or any portion of any payment may be withheld from any institution which has failed to pass and implement such by-laws.

the State of New York for at least ten years. Every commissioner, while in office, shall give his or her whole time to the duties of the office, and shall not engage in the practice of law or other occupation, profession or employment. Each commissioner shall receive an annual salary in the same amount as is payable to a judge of the civil court of the City of New York. A commissioner's annual salary shall not be diminished during his or her term of office.

Sec. 169. Rules of tribunal.

Pursuant to chapter forty-five of this charter, the tribunal shall promulgate rules of procedure, which shall include, but not be limited to, rules on the following matters:

a. The types of representatives, such as accountants, who may appear, in addition to lawyers, on behalf of a petitioner before the tribunal;

b. The form and contents of the petition, answer, affidavits and memoranda to be submitted to the tribunal, and reasonable time limitations for serving and filing such papers;

c. A reasonable fee to be paid by a petitioner to the tribunal upon commencing an appeal before it;

d. A procedure for promptly hearing and determining any appeals concerning jeopardy assessments or predecision warrants based thereon;

e. A procedural system guaranteeing a hearing in compliance with chapter forty-five of this charter to be followed in cases which the tribunal determines to involve either (1) a matter in

this chapter.

Sec. 386. Planning, advising, coordinating activities. a.
In the areas under their jurisdiction, heads of mayoral agencies shall have the power and duty to (1) review, analyze, and evaluate the needs of the city; (2) prepare and submit to the mayor and other appropriate governmental authorities short term, intermediate, and long range plans and programs to meet the needs of the city; (3) develop, implement, and maintain systems to collect, store, and disseminate data; and (4) conduct research and studies to aid in planning and developing policies and programs.

b. Heads of mayoral agencies shall advise and assist the mayor, other elected officials and bodies of elected officials in regard to matters under the jurisdiction of their agencies.

c. To the maximum extent feasible, heads of mayoral agencies shall coordinate the activities of their agencies with those of other city, state, and federal agencies and other organizations and institutions on matters within their jurisdiction by such means as the mayor may require and, when not inconsistent with mayoral directives, by such means as the agency head may deem appropriate, including by establishing and participating in coordinating committees.

*Sec. 1056. Heads of mayoral agencies shall cooperate with the board of elections and the coordinator of voter assistance to encourage voter registration and voting by all residents of the city of New York eligible to vote, and shall prepare annually, in accordance with rules and guidelines of the coordinator of voter

* To be included in Chapter 46 at page 353.

assistance, plans specifying the resources, opportunities, and locations the agency can provide for voter assistance activities.

Sec. 387. Program management. a. The heads of mayoral agencies shall supervise the execution and management of all programs and activities of their respective agencies and shall have cognizance and control of the government, administration, and discipline of their agencies.

b. Heads of mayoral agencies shall determine standards for, and monitor, evaluate, and exercise general supervision over, all services and facilities under their jurisdiction. To the extent necessary to carry out the provisions of the charter and other applicable law, and when not inconsistent with any other law, heads of mayoral agencies shall have the power and duty to visit and inspect providers of services under their jurisdiction.

Sec. 388. Financial management. a. The heads of mayoral agencies shall supervise the execution and management of all expenditures of their respective agencies.

b. They shall prepare and transmit budget estimates of the agency as prescribed by the charter, and other laws, and fulfill all other requirements of the budget preparation, adoption, modification, and administration process as set forth in the charter.

c. In accordance with the methods prescribed by the comptroller pursuant to subdivision f of section ninety-three of the charter and subject to the comptroller's power to suspend or

in favor of the city without the previous approval of the comptroller, except that with regard to matters involving excise and non-property taxes, such previous written approval shall be obtained from the finance administrator; provided, however, that this inhibition shall not operate to limit or abridge the discretion of the corporation counsel in regard to the proper conduct of this trial of any action or proceeding or to deprive such corporation counsel of the powers and privileges ordinarily exercised in the courts of litigation by attorneys-at-law when acting for private clients.

d. The corporation counsel shall annually compile and publish departmental rules and regulations as provided in section eleven hundred five.

Sec. 395. Legal service to agencies. The corporation counsel may assign an assistant or assistants to any agency. The head of each agency, within appropriations for such purpose, may employ staff counsel to assist in the legal affairs of the agency. No officer or agency, except as provided in this chapter or otherwise especially provided, shall have or employ any attorney or counsel, except where a judgment or order in an action or proceeding may affect him or them individually or may be followed by a motion to commit for contempt of court, in which case he or they may employ and be represented by attorney or counsel at his own or their own expense.

Sec. 396. Actions and proceedings for recovery of penalties. All actions and proceedings for the recovery of penalties for the violation of any law shall be brought in the name of the city of

and testing of wiring and appliances for electric light, heat and power, shall not extend to waterfront property owned by the city and under the jurisdiction of the department of ports, international trade and [terminals] commerce, or to the following structures on any such waterfront property; wharves, piers, docks, bulkheads, structures wholly or partly thereon, or to such other structures used in conjunction with or in furtherance of waterfront commerce or navigation, or to bridges, tunnels or subways or structures appurtenant thereto.

[Sec. 644. Department; powers. The commissioner shall have the power and duty:

(a) to prepare and transmit the budget estimates of the department as required by law;

(b) to supervise the execution and management of all programs, activities and expenditures of the department; and

(c) to the extent to which the organization of the department is not prescribed by law, and in accordance with such standards and policies as may be established by the mayor, to organize the department into divisions, bureaus, boards or offices and make assignments of powers and duties among them and from time to time change such organization or assignments.]

Sec. 645. Offices of the department; powers and duties. (a) There shall be a main office of the department and in each borough at least one branch office and a borough superintendent. Persons appointed as inspectors to perform functions of the department shall have such qualifications as shall be prescribed

accordance with such plans as changed from time to time, provided, that the commissioner, with the approval of the board of estimate, may from time to time change the width or location of any of the piers laid down on such plans and build or rebuild temporary wharf structures or license or permit the building or rebuilding thereof as may be provided by law.

(c) The commissioner may widen, open, construct, abandon or close any marginal street or avenue included in such plans and shall maintain the widened portion of such street or avenue, or the new street or avenue as a marginal street, and such new street, or such a widen street to the extent of the portion so widened, shall not be a public street. Before acting under this subdivision, the commissioner shall make a report to the city planning commission including a map showing any proposed change and such other information as the city planning commissioner shall require. If the city planning commission makes a finding that the proposed change is in accordance with the waterfront plan or approves the change, the commissioner may proceed with it, but if the city planning commission makes a finding that it is not in accordance with such plan and disapproves the change, then the commissioner shall not proceed unless the board of estimate by a three-fourths vote authorizes the commissioner to proceed. The city planning commission shall act on such change within six weeks from the time when it is filed in the office of the commission and if it does not act within such weeks the commissioner may proceed with the change.

hearing on a record.

2. The chief administrative law judge shall establish rules for the conduct of hearings, in accordance with the requirements of this chapter.

3. In the conduct of an adjudication, an administrative law judge may:

(a) hold conferences for the settlement or simplification of the issues;

(b) administer oaths and affirmations, examine witnesses, rule upon offers of proof, receive evidence, and oversee and regulate discovery procedures ;

(c) upon the request of an agency or any party, or upon the administrative law judge's own volition, subpoena the attendance of witnesses and the production of books, records, or other information;

(d) regulate the course of the hearing in accordance with agency rules and this chapter, provided that if agency rules are silent as to a particular matter, the rules of the office of administrative trials and hearings shall apply;

(e) dispose of procedural requests or similar matters;

(f) make recommended or final findings of fact or decisions, determinations or orders, as authorized by law;

(g) take any other action authorized by law or agency rule consistent therewith.

6. submit annually, no later than July thirtieth in each year, to the voter assistance commission a public report on the state of voter registration and participation in the city. Such report shall include, but not be limited to (a) a description of the activities of the voter assistance program and the effectiveness of those activities in achieving the goals of the program; (b) the number of voter registration forms distributed by the program, the manner in which those forms were distributed and the estimated number of persons registered through the activities of the program; (c) the number and characteristics of citizens registered and unregistered to vote during the previous primary, general and special elections and for the most recent time period for which such information is available; (d) the number and characteristics of citizens who voted during the previous primary, general and special elections; (e) a review and analysis of the voter registration and voting processes in New York City during the previous year ; (f) recommendations for increasing voter registration and participation; and (g) any other information or analysis the commission or the board deems necessary and appropriate; and

7. prepare and publish studies and reports on issues of relevance to voter registration and participation in New York City.

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Sec. 1057. Non-partisanship in program operations. The board, commission and coordinator shall conduct all their activities in a strictly non-partisan manner.

**Include Section 1056 from pages 195 and 196.

The following revisions of Chapter 52 (pages 384 to 391) would be adopted if only question 1 is approved by the electors or if both questions 1 and 2 are approved by the electors. The revisions of Chapter 52 included following page 391 as pages 384a to 389a would be adopted if only question 2 is approved by the electors.

CHAPTER 52

GENERAL PROVISIONS

Sec. 1150. Definitions. For the purposes of this charter:

1. The term "city" shall mean the city of New York, and unless the context otherwise requires, shall include the several boroughs.

2. The term "agency" shall mean a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

3. The term "law" or "laws" shall include the constitution, this charter, any statute, the administrative code, any local law, and any ordinance, rule or regulation having the force of law.

4. The term "statute" shall mean an act of the legislature.

5. The term "maintenance" shall include minor repairs, and in case of doubt the mayor or an officer designated by him shall decide whether a repair is a minor repair.

6. The term "intercepting sewer" shall mean a sewer the principal purpose of which is the interception from other sewers and conveyance of sewage to treatment plants. In case of doubt the board of estimate shall decide whether a sewer is an intercepting sewer.

7. a. The term "wharf property" shall mean wharves, piers,