



CITIZENS UNION OF THE CITY OF NEW YORK

Introduction 908-A-2024 (Adams)

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

Citizens Union submits the following statement in response to the amended bill to expand the City Council's advice and consent, scheduled for a vote on June 6, 2024.

In our previous testimony on this proposed legislation, submitted for the May 29 public hearing, we asked the Council to consider three key issues before moving the bill forward. Those issues have only been partially addressed. Therefore, we urge the Council not to move forward with this bill at this time.

First, expedited legislative process. Citizens Union urged the City Council not to rush through this substantive Charter amendment process and instead allow for more time, committee meetings, and public hearings to fully consider the implications of this proposal. Testimonies submitted for the May 29 committee public hearing¹, including by supporters of the advice and consent expansion, raised a number of potential issues with this bill. Concerns touched on the question of accountability of commissioners to mayors, the proper time allotted for a confirmation process, whether the Council could sufficiently review all positions covered at the beginning of a new mayoral term, the requirement for a deputy commissioner to be acting commissioners, the omission of other top-level positions from the bill, and the rushed process of bringing this question before the voters as a ballot question.

The amended bill, Intro 908-A, addressed the concerns about the inclusion of deputy commissioners by removing any reference to acting commissioners. In addition, the amended bill slightly changed the list of commissioners covered in the bill. Yet, it is unclear if other concerns surfaced during the public comment period received proper consideration by the Council.

Citizens Union continues to recommend that substantial changes to the structure of City Government and its system of checks and balances, like the ones proposed by Intro 908-A-2024, be given more time for research, meetings, deliberation, and public input.

A deliberative legislative process would also be aided by collaboration from the Mayor's Office. We were disappointed to see the Mayor's Office declining to answer questions from council members during the May 29 public hearing.

¹ Testimonies pulled from <https://legistar.council.nyc.gov/View.ashx?M=F&ID=12996862&GUID=6AD5FB2D-FBBA-4219-9277-E08172B09265>

Second, the list of commissioners. Citizens Union urged the Council to provide more details on the reasoning behind the proposed list of commissioners, which includes disparate agencies of different sizes and functions. The Committee Report² filed before the May 29 hearing did not provide further details on why some positions were included and others excluded from advice and consent.

The amended bill, Intro 908-A, made slight changes to the list. The Commissioner for Emergency Management and the Commissioner of Veterans' Services were removed, and the Director of City Planning was added. Yet, no details were provided as to why these commissioners were chosen or why the other 60 commissioners were excluded.

In public statements by council members, the list was described as a non-exhaustive first step that could be expanded in the future. Yet, considering the political capital spent on such reform and the requirement it be presented as a ballot question, it is more likely that it would take several years before a city council considers the question of commissioner advice and consent again. Therefore, we believe it is crucial to “get the list right,” and continue to stress that it deserves more scrutiny and a case-by-case explanation.

Third, the omission of the Police Commissioner from advice and consent. Citizens Union has recommended one targeted and particularly useful expansion of advice and consent – the Police Commissioner. We believe the unique role the commissioner serves and the status of the NYPD in City Government, as well as the impact of the NYPD on the daily lives of the City's residents, justifies making the appointment of the Police Commissioner subject to the advice and consent of the Council.

In public comments, council members have noted the Police Commissioner was not on the list of advice and consent commissioners partly so that the mayor would be able to swiftly appoint a Police Commissioner early in the term.³ This important concern could be resolved by fixing a time limit on the City Council's review of the nominee or the mayor's submission of a nominee to the Council.

In sum, while Citizens Union acknowledges advice and consent can be a useful tool to promote accountability, oversight, and talented leaders, we do not see the urgency necessitating a rushed application of this tool to all agencies listed in Intro 908-A this year. Given the above concerns, Citizens Union calls the Council to continue discussions on the proposed legislation in the next few months and to aim to bring a proposal for a referendum once a more deliberative legislative process has been completed.

² Committee Report of The Governmental Affairs Division, Int. No 908, 5/29/24 Andrea Vazquez, Legislative Director, Rachel Cordero, Deputy Director, Governmental Affairs

³ See for example, The Brian Lehrer Show - WNYC, May 31, 2024 <https://www.wnyc.org/story/city-council-news-with-cm-restler/?tab=transcript>