

**Testimony to the New York City Council
Governmental Operations Committee on the
Council Convening a Charter Revision Commission
March 16, 2018**

Good morning Chair Cabrera and members of the New York City Council Governmental Operations committee. My name is Alex Camarda, and I am the Senior Policy Advisor for Reinvent Albany. Reinvent Albany advocates for transparent and accountable government in New York, and is particularly interested in making city government more transparent. Here in New York City, we were instrumental in passing the city's [Open Data Law](#) and [subsequent amendments](#) - thank you for your help with those Chair Cabrera - and advocating for OpenFOIL legislation which led to the creation of the City's [OpenRecords](#) platform.

The bill before this committee today, Int. No. 241-A, will establish a Charter Revision Commission to draft a new or revised charter for the city of New York.

Mayor de Blasio is convening a Charter Revision Commission which intends to put proposals on the ballot this fall. [Reinvent Albany supported the Mayor calling a Charter Revision Commission](#) in part because of the emphasis on campaign finance reform and lobbying transparency, and the historic focus of past charter commissions on government accountability issues, for example in 2010 and 2003.

We believe it is in the best interest of the city for the Council and Mayor to negotiate and convene one commission to examine the entirety of the city's charter. Speaker Johnson has said he hopes the mayor will agree to this and so do we.¹ If the mayor and Council proceed with different and competing commissions, a number of incidents could unfold which could result in conflicting policy, public confusion, excessive politicization, inefficiency, and litigation. For instance, the mayor's commission could put measures on the ballot this fall, and the Council commission could immediately revisit the charter in 2019, even reversing proposals put forth by the mayor's commission and approved by the voters. In another scenario, the mayor could call a charter revision commission in

¹ “[Johnson] said that he hoped that the mayor could be persuaded to join forces with the Council so that there could be a single charter review.” See:
<https://www.nytimes.com/2018/03/09/nyregion/nyc-council-mayor-charter-review.html>

2018 and, separately in 2019 (or extend the 2018 commission's work), which could seemingly bump off the ballot any referenda submitted by the Council-convened Charter Revision Commission, an act that may trigger litigation.

It is also possible the work of the two commissions will be complementary or, at least coexisting, rather than conflicting. None of the events described above may transpire, and the Council-initiated commission's work on the charter may proceed in 2019 with different charter revisions than the mayor's commission placing referenda on the ballot in 2018.

But there is no doubt two commissions convened in the same year would be unprecedented in recent memory and create a high degree of uncertainty.

As for the specific provisions of the Council's bill, Int. No. 241-A, it largely tracks the requirements in Municipal Home Rule Law, Article 4, Part 2, section 36. This law gives the Council flexibility regarding appointees to the commission. Reinvent Albany believes doing something as important as rewriting the City's Charter should include the diverse voices of the city as expressed through their elected officials. We therefore support that Int. No. 241-A includes appointees from all citywide elected officials and the borough presidents. We suggest the Chair of the Commission should be jointly chosen by the Mayor and Council Speaker. This would be more appealing and fair to the Mayor so the Commission would be precisely balanced between Mayor and Council.

Reinvent Albany also supports the provisions of this bill that prohibits lobbyists from serving on the commission, and requires the Conflicts of Interest Board (COIB) to restrict or limit outside activities by consultants who are doing business with the city if they serve on the commission.

We suggest the Council amend section 3(f) of the bill to clarify the Commission should follow the Freedom of Information Law and the Open Meetings Law which we believe it is already required to do under state law; webcast its hearings and meetings; and create a website posting and archiving testimony given to the Commission, minutes of meetings and hearings, and reports issued by the Commission. The bill should also require Commission members and staff be issued government emails and be required to use them exclusively for the commission's work.

Additionally, we recommend the Council clarify that lobbying the commission should be reported to the City Clerk's Office, as would be required for attempting to influence any other commission. The City's new lobbying database only displays lobbying activity

back to 2013 so we cannot say with certainty that lobbying of previous commissions was reported to the Clerk's Office. It is our recollection that in 2010 the Clerk's Office modified the E-Lobbyist reporting system to allow lobbyists and clients to report lobbying the 2010 City Charter Revision Commission.

Thank you and I welcome any questions you may have.