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Minutes of the February 16, 1989 Meeting of the New York City Charter Revision Commission

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M I N U T E S

February 16, 1989 Meeting

The New York City Charter Revision Commission

Present: Commissioners Schwarz, Leventhal, Paredes, Richland, Alvarez, Gourdine, Gribetz, Betanzos, and Murray.

Absent: Sullivan, Michel, Murphy, Molloy, Friendly, and Trager.

Summary of Major Points

Chairman Schwarz welcomed the Commissioners and stated that the main purpose of the meeting was to discuss the upcoming hearings. Eric Lane stated that the hearings would be carefully structured, with questions designed to elicit descriptions of existing governmental processes. He described the panels for the hearing on local voice in government.

Commissioner Betanzos expressed the hope that there would be a discussion of the coterminality of Community Board and Council district lines.

Commissioner Gourdine asked whether there would be relevant materials sent out before the hearings. Chairman Schwarz replied that the staff plans to have briefings before the hearings. Eric Lane added that some written materials would be prepared for each hearing. He then described the panels for the contracting hearing.

Commissioner Leventhal asked whether the hearings would examine the method of selection of community board members and the extent to which they represent local interests. Lane said they would.

Commissioner Schwarz said that although the hearings start with the question, "How do things work?" the ultimate question is "What's the structure?" and, in terms of structure, "How are [community boards] selected, what do they cover, and what are their powers?"

Commissioner Gourdine asked whether the hearings will include an examination of Richmond v. Croson, and its affect on affirmative action. He asked whether it is within the Commission's mandate to recommend "set asides." Eric Lane replied that the issue is part of the Commission's research agenda, but that the city is not affected by the Richmond case.

Commissioner Richland asked whether the hearings will examine all kinds of contracts, including those associated with redevelopment. Chairman Schwarz replied that they would, although redevelopment may be covered in the hearing on land use decision making.

In response to a question from Commissioner Murray, Chairman Schwarz stated that the Commission would not examine the Wicks law because it is a matter of state, rather than city, law.

Eric Lane then described the panels for the land use

decision making hearing. Chairman Schwarz stated that how the government sites undesirable uses is an important issue. He also asked the Commissioners to think whether they might want to discuss at a hearing the implications of what they hear, or whether they would rather wait until after the hearings. Commissioner Gourdine said he felt some reaction at the hearings would be useful. Chairman Schwarz suggested a half hour discussion between the structured hearings and the opportunities for public comment.

Frank Mauro described the panels for the hearing on oversight and representation.

Chairman Schwarz said that the Carey Commission feels strongly that the way the city manages itself through budget lines deprives managers of initiative. He felt the Commission might benefit from hearing that perspective.

Frank Mauro described the panels for the franchising hearing. Chairman Schwarz said the Commission ought to know the number of Board of Estimate agenda items related to franchises in a given period. This would be a way of finding out if central bodies are asked to do too much and whether their time is taken away from more important things. Mauro said that such a survey was being done for contracting.

Commissioner Gourdine asked if the Commission will be able to get a sense of how the opinions of different agencies involved in franchising are weighted. Mauro said that the Commissioners and staff should try to find that out through questioning.

Commissioner Leventhal asked how the Commission is going to select the limited number of people who will be appearing before it. Chairman Schwarz said he hoped for balanced and fair-minded people, but acknowledged that the Commission cannot be perfect in its selection of witnesses. Eric Lane described the planned array of witnesses for the Union Square case study panel. Schwarz added that the opportunity for public comment at the end of the day will provide perspective on the earlier testimonies.

Frank Mauro described the panels for the hearing on budgeting.

Chairman Schwarz stated that the staff should be sure to have former as well as current city officials. Commissioner Leventhal concurred, specifically stating that former Office of Management and Budget (OMB) officials should be present on the second budgeting panel.

In response to a question from Chairman Schwarz, Frank Mauro stated the hearing on oversight and representation will examine the interaction of the different branches of government in the budget process.

In response to a question from Commissioner Leventhal about what will follow these hearings, Chairman Schwarz said that there will be two other hearings for elected officials. Beyond that, the activity of the Commission depends on the Supreme Court. The logical next step, he said, seems to be talking about structural questions--how the structure can best be designed to meet the needs of the city.

Eric Lane pointed out that the hearings are not the only research activities the staff is or has been engaged in. Chairman

Schwarz asked that an index of materials previously prepared for the Commission be distributed to everyone.

Commissioner Alvarez expressed concern that the Commission was "starting all over again" and asked why the Commission cannot use last year's proposals as a point of departure. She also expressed concern about how much time the Commission has to come up with a new set of proposals.

Chairman Schwarz replied that he would feel much more comfortable if everyone reasonably understands how things actually work. In addition, the four new Commissioners need to reach a level of knowledge about charter issues equal to that of the prior Commissioners. He agreed that the Commission should keep in mind both the prior analysis and the dialogue relating to the various proposals. But he also felt that the Commission would have much more credibility if it went through fact-based analysis.

Commissioner Leventhal said he did not want the previous Commission's efforts to be in vain, and he suggested that perhaps the Commission could solicit testimony about the previous proposals.

Commissioner Richland said he felt that this Commission should not be viewed as a continuation of the previous Commission, and that the new members should not be regarded as less important.

Chairman Schwarz said that the Commission would definitely be thinking and talking about solutions, but expressed his strong feelings that it is not right for the Commission to begin by debating questions like, "Should there be a Board of Estimate?"

Commissioner Alvarez said she assumed that the new members knew what proposals were on the table before, and expressed her opinion that in some way those proposals should carry over into the new dialogue. Commissioner Gribetz said that perhaps the staff could summarize the old proposals. Schwarz said that perhaps the staff could prepare a menu of alternatives, with some specificity on the proposals previously made.

Commissioner Paredes said that the volume of materials is so great that there is a need for summaries and highlights of major questions.

Eric Lane announced that there would be preliminary briefings on February 23 and 24 at the Commission offices for those Commissioners planning on attending the hearings.

Commissioner Murray moved to adjourn and was seconded by several Commissioners.