



CITIZENS UNION OF THE CITY OF NEW YORK

Increasing Avenues for Participation in Governing and Elections in New York City

Summary of 50 Recommendations on 2010 City Charter Revision to the New York City Charter Revision Commission

July 19, 2010

Good evening Chair Goldstein and distinguished members of the New York City Charter Revision Commission. My name is Peter Sherwin and I am the chair of Citizens Union. I am joined here tonight with my colleagues, Dick Dadey, who is our Executive Director, John Avlon, who is a member of the board and chair of our internal Task Force on City Charter Revision, and Alex Camarda, Director of Public Policy and Advocacy. We thank you for inviting us here tonight to speak with you about our views on city charter revision and to share publicly with you our findings, positions and the 50 Recommendations contained in our report issued on June 30, "Increasing Avenues for Participation in Governing and Elections in New York City."

Our appearance tonight is but one part of our own deliberative involvement in the comprehensive review of the city charter. This effort for us began three years ago when we first proposed to Mayor Bloomberg - that on the eve of the 20-year anniversary of the historic 1988 and 1989 changes to the form and function of our city government - he form a city charter commission to take a top to bottom review of how well city government has functioned and performed during the past two decades. When Mayor Bloomberg announced the appointment of this Charter Commission on March 3rd, Citizens Union created its own Charter Revision Task Force consisting of Citizens Union Board members and other experts in city government. The newly formed Task Force joined Citizens Union's existing Municipal Affairs Committee (MAC), a public policy committee consisting of about thirty active Citizens Union members who discuss and recommend policy positions on issues impacting New York City, to make recommendations on charter revision. The MAC and Charter Task Force met a combined sixteen times over the past six months reviewing, evaluating and reaching decisions on what to recommend. Citizens Union's own Board then met twice during June to consider the many recommendations of its MAC and Task Force. The 50 recommendations that are contained within our report received the strong support of CU's 53 member board of directors, which I might add is a very politically diverse board, comprised of Republicans, Democrats, other parties and those who are unaffiliated. CU's board contains progressives, moderates, and conservative New Yorkers, so for us to reach a consensus position on all of these issues speaks to the strength of the thinking and rationale behind this report. All of this work was facilitated, coordinated and made possible by our great staff.

In evaluating the current structures and processes of city government for the purpose of making charter revision recommendations, the different policy bodies and staff of Citizens Union engaged in discussions with elected officials, agencies, advocacy groups, and former Charter Commission chairs and staff.

Citizens Union's staff also attended every public meeting and hearing and all but one issue forum conducted by the Charter Revision Commission – and that was because it conflicted with a meeting of our own - reporting on testimony provided by the public and experts to the MAC and Task Force that further shaped the formation of Citizens Union's thinking and recommendations for charter revision.

Through this deliberative and comprehensive approach, Citizens Union came to the conclusion that a strong mayoral form of government brought about by the 1989 city charter revision has been good for the City of New York. The 1989 Charter has largely worked, with a stronger mayor's office resulting in a city managed more responsibly, problems addressed more thoughtfully, and city services delivered more reliably, as each mayor has better utilized the powers of the office by building upon the experience and work of his predecessor. A strong mayoralty has contributed to the revival of New York City as a vibrant urban center for its residents, neighborhoods and communities, commerce and business, and trade and tourism.

Yet major changes, no matter how successful, bring unintended consequences and there is always room for improvement. Now, with the benefit of twenty years of experience, it is time to update our City Charter and recalibrate the structure to create an even better form of local government that has the support of an engaged electorate.

The Charter Revision Commission should retain the basic fundamental structure of a strong mayoralty that has led to the City's resurgence in the last two decades. However, it must also seek to enable the City's increasingly diverse population to have a greater level of input into how decisions that affect all New Yorkers are made, without undermining the effective and efficient management of the City and the delivery of its services.

Far-reaching reforms in our elections are urgently needed to end the closed partisan management of our elections and open up the process of voting to a greater number of eligible New Yorkers. Improving the form and function of city government to enhance different voices without diminishing the power of a strong mayoral form of city government is no small challenge, but it is one which Citizens Union believes is critical for the continued progress of our city.

In achieving this delicate equilibrium, Citizens Union identified five major objectives to improve the performance of city government:

1. Ensure Checks & Balances
2. Open Elections
3. Strengthen Accountability
4. Protect Integrity
5. Increase Transparency

These objectives are realized through a total of fifty Citizens Union recommendations in our full report impacting a vast array of city structures and functions.

I am now going to turn over our testimony to Dick Dadey who will take us through our key recommendations and he will be joined in the presentation by John Avlon and Alex Camarda.

These fifty recommendations are knitted together in a coherent philosophical framework based upon our belief that participation in elections and government decision making needs to be improved, and in fact opened up – hence the title for our report. One of the reasons the term limit reversal engineered by Mayor Bloomberg and the City Council in 2008 continues to resonate with New Yorkers is because it crystallized the disconnect they feel from city government when it fails to meaningfully engage them before making its decisions.

It is with this mindset that Citizens Union approached its recommendations for city charter revision. We believe that this commission must not simply revise, but undertake some bold and broad reforms. This process and the ultimate recommendations that come out of it must strengthen the integrity and transparency of government institutions so that public confidence is greater, and New Yorkers believe that participating in governmental decision-making and elections is an endeavor worthy of their time and effort.

Our recommendations are summarized into the sixteen points as follows:

1. Maintain a strong Office of the Mayor. Preserve the office's authority to set revenue estimates for the city budget and appoint commissioners without Council approval.
2. Keep the Office of Public Advocate and assign it greater authority and provide it with an independently funded budget. Give the public advocate the power to make one appointment each to the Franchise and Concessions Review Committee, the Board of Standards and Appeals and the Conflicts of Interest Board. Empower the public advocate to request and receive documents from agencies without having to go through a city council committee. Dissolve the Commission of Public Information and Communication and transfer its major duties into the public advocate's office, giving the public advocate a greater level of responsibility for expanding public access to government data, information and reports.
3. Keep the Offices of Borough President, and assign them greater authority and provide them with an independently funded budget. Give the borough presidents the power to require the appearance of borough commissioners at monthly interagency meetings led by borough presidents. Allow them to share an appointment to the Board of Standards and Appeals, similar to the arrangement they presently have on the Franchise and Concessions Review Commission.
4. Establish a Top Two election system, making the first primary election open to all eligible voters, regardless of party status, so that every registered voter can participate in the election that is often the most determinative in who is elected to office. The top two candidates would then move onto the general election in which all eligible voters would again vote, as in the system recently selected by California voters and currently in place in Washington State. Candidates would have the option of listing their party affiliation and political parties would be allowed to endorse a party candidate.
5. Increase candidate access to the ballot by reducing the number of signatures needed to secure a ballot line and strengthen campaign finance disclosure by requiring independent expenditure campaigns to be reported to the Campaign Finance Board.

6. Keep term limits to three four-year terms for members of the city council and, decrease the term in office for the three citywide and five borough presidents to no more than two four-year terms.
7. Condition the effectiveness of any city council charter amendment that would alter or appeal a voter-installed provision on subsequent voter approval via referendum.
8. Create a new Election Integrity and Lobbying commission housed within the current Campaign Finance Board. The new entity would have responsibility for the city's campaign finance program, voter assistance activities currently under the purview of the Voter Assistance Commission, and enforcement and oversight of the city's lobbying law and reporting requirements currently the responsibility of the city clerk.
9. Grant greater authority and responsibility to the City Council in the decision-making process by requiring the City to more narrowly define a "program" and provide for smaller units of appropriation. Require the mayor to issue a final non-property revenue projection prior to the start of Council hearings on the executive budget allowing for more integrity in the budget negotiating process.
10. Lulus should be banned and future compensation increases should only occur for the prospectively elected officials and not those presently serving. Recent discretionary funding reforms should be enshrined in the charter and discretionary funding should be distributed equally among all fifty-one members of the council, regardless of relationship to the speaker or party. Council members should be allowed to continue to earn outside income but only if greater disclosure of financial activity is required to ensure no conflicts of interest or self-dealing are occurring by maintaining a job outside the Council.
11. Improve the independence of ethics oversight by giving each the comptroller and public advocate an appointee to the five-member Conflicts of Interest Board with the mayor having the power to appoint the other three members, down from the five. All five would still need to be confirmed by the City Council. Provide independent budgeting for the COIB tied to a percentage of the Law Department since it serves as an ethics watchdog over the very same officials who determine the size of its budget.
12. Improve public confidence in public safety and oversight of the police department by granting the Civilian Complaint Review Board the power to prosecute all cases it substantiates and make permanent the Commission to Combat Police Corruption, empowering it with subpoena authority.
13. Improve the independence of the council redistricting process by having the non-partisan Campaign Finance Board appoint five of the fifteen commissioners with the City Council and the mayor each appointing five. The chair and the executive director would be appointed by the Campaign Finance Board.
14. Strengthen the 59 local community boards by providing them with an independently funded budget and on-call professional planning staff. Require a more rigorous process of selecting members to the community boards that allows for a more professional approach to recruitment, retention and service.

15. Begin reforming the process of making land use and zoning decisions by modestly starting with changing the fair share provisions of 1989 that were undercut by rulemaking, standardizing responses from the various groups involved in ULURP, and creating a process for integrating 197-a plans into the strategic planning and land use decisions of the city.
16. Improve the information contained within, and the use of, the Mayor's Management Report by making it better complement the Citywide Performance Report.

Citizens Union appreciates the inclusion of some of our recommendations in the *Preliminary Staff Report and Recommendations to the Chair of the 2010 Charter Revision Commission*. We strongly support the reduction in the number of signatures needed for designating and independent ballot petitions, consolidation of the Voter Assistance Commission within the Campaign Finance Board, and disclosure of independent expenditures.

Citizens Union also recognizes and appreciates the careful deliberation that the Charter Commission has brought to this process. As a good government organization focused on the means through which policy is developed, we know that the best policies are often the product of mindful and conscientious planning and processes.

Citizens Union does believe, however, that the Commission can and should take on more than it is currently considering. While we support the idea of putting certain items on the ballot this year and naming other issues to be considered in 2012 by reconvening this commission or forming another, Citizens Union feels the current staff report is weighted too heavily toward deferral and too lightly on action. Quite simply, we urge you to reach further and aim higher.

This commission was charged with a wholesale review of City government to assess the impact of the fundamental changes made by the 1989 Charter Commission. While a compressed schedule, despite the Commission's hard work and deliberate and good efforts in reaching out and engaging the public, may prevent a comprehensive review of the kind engaged in by the 1989 Commission, Citizens Union believes there is room to include more proposals to improve our City government and ensure that there are more avenues for participation and inclusion for its citizens in an increasingly diverse and large city. We are pleased that the Commission remains open to tackling more issues through additions to its staff report, which it has described as a "living document."

It is not as if public consideration of these issues began with the convening of this charter revision commission as many of them have received widespread public attention, garnered thoughtful discussion and collected reasonable proposed solutions. With that concept in mind, we'd like to take this opportunity to recommend additions that we think are important to include for consideration in 2010:

1. Institute a Top-Two Election System

New York needs election reform. The number of voters participating in the elections that matter most is in decline, and we need to reengage them. New Yorkers voting in the Democratic primary election have dropped from 41 percent in the 1989 mayoral election to 25 percent in 2009. In the 2009 run-off elections for public advocate and comptroller, less than 250,000 New Yorkers voted, or about 8% of all registered Democrats and 5% of all registered voters, choosing two of the three citywide elected officials. While democratic practice and party affiliation have changed dramatically

over the past sixty years, elections in New York are conducted in much the same way as they were in 1950.

Closed partisan political primaries need to go the way of the old lever voting machines – they need to be discarded and something new needs to take their place. Voting in antiquated political party primaries that excludes 1.5 million registered New Yorkers from participating in elections that effectively choose their representatives is akin to communicating using a rotary dial phone in the age of the iPhone.

Citizens Union urges the Commission to embrace our suggestion to recommend to voters this fall a ballot question that creates a new way of electing our elected officials. We propose that New York adopt a Top-Two election system, like that recently approved by referendum in California, which will permit all party registrants and unaffiliated voters to vote in the first round for candidates of any party or none at all. The top two candidates would advance to the general election in November to determine the victor. This will allow for a greater number of New Yorkers to vote in the most determinative election and create greater competition and choice during for the November general election. It will provide that the voice of the 1.5 million voters, who are now effectively shut out from choosing many of the city's elected officials because they are not affiliated with the Democratic Party, is heard.

Citizens Union is not reversing its position so much as returning to our historic place as a nonpartisan civic group that has long fought for opening up the political process for all to participate. Our 113 year-old good government group started as a nonpartisan political party with the goal of electing nonpartisan reform candidates. Shortly after its founding in 1897, it elected the first reform mayor of New York - Seth Low - the first Mayor of the newly consolidated City of New York that included the then recently annexed boroughs of Brooklyn and Queens.

In the early part of the twentieth century, Citizens Union led and won the campaign to protect the integrity of the vote requiring that the Board of Elections institute signature identification of voters at the polls to prevent fraud. And we also successfully ended slate voting in 1915 which allowed voters to support a split ticket of candidates from different political parties, ending the warped control by political parties of how voters exercised their right to vote for candidates of their own choosing.

Citizens Union is taking a position different from the one it had in 2003 because the issues that were of concern are no longer as valid and the electorate is clamoring for change because they want their votes not just to count but also matter. When we took our position then, we felt the process was rushed and that the case had not been convincingly made.

The proposed top-two election system would allow candidates to self-identify and affiliate with their political parties and thus provide valuable information to voters who want to know which team a particular candidate is on. By simply increasing the number of voters eligible to vote, we would increase the number of participating voters, if not the percentage. This new system would not prohibit political parties from endorsing candidates of their own choosing; it would just change the manner of their selection. The campaign finance program is stronger now than it was in 2003 in terms of providing public funds to challengers who are adept at fundraising and face self-financed candidates. Since 2003, we also have seen the city and the country elect more people of color to office, including a Latino mayor in Los Angeles, who was elected in a nonpartisan primary election system and the first black president of the United States who on the way to winning the Democratic

nomination won contests in 16 states that had open primaries or caucuses, and arguably this manner of victory contributed to his strength as a general election candidate. Finally, Citizens Union believes that taxpayer dollars should not be used to hold a political party election that essentially bars 1.5 million New Yorkers who pay taxes from voting.

There are also encouraging signs from New York City's limited experience with non-partisan elections in special elections. Voter participation data in City Council *non-partisan* special elections as opposed to state legislative *partisan* elections in New York City since 2008 indicates a significantly higher turnout for the non-partisan special elections. City Council non-partisan special elections averaged at 12.13% voter turnout since 2008, just over two times larger than the 5.76% turnout average for partisan state legislative special elections during the same period.¹ Nonpartisan special elections in the 44th Council (18.21%), 21st Council (9.60%), 32nd Council (10.07%), 49th Council (12.04%), and 30th Council (10.73%) districts averaged to a 12.13% turnout. Partisan state legislative elections in the 13th Senate (4.91%), 24th Assembly (10.04%), 38th Assembly (7.88%), 77th Assembly (3.23%), and 85th Assembly (2.26%) districts averaged to a 5.76% turnout. All 5 of the non-partisan City Council races had at least a 9.60% turnout, while 4 of the 5 partisan legislative races had less than 9.60%, including two at 3.23% and 2.26%. It should be noted that the enrollment data used for all City Council races was from April 2010, as no other breakdown was available for council district enrollment; therefore, the voter turnout percentages are likely more conservative for the non-partisan council race in 2008, as there was a citywide increase in enrollment in late 2008 for the presidential election. We believe that these examples demonstrate that when voters are given a broader choice of candidates in a nonpartisan election for city council race, they turn out in higher numbers than in state legislative contests where the party candidates are already predetermined and others are kept off the ballot if they don't have the backing of the political party.

Unlike Instant Run-off Voting, or IRV, which Commissioners at the public meeting on July 12th found intriguing yet potentially too new for consideration in New York City to fully evaluate, the issue of a non-partisan like election system has been vetted by previous commissions, placed before the voters in 2003, and exists in many more municipalities nationwide, including over 80 percent of the top 50 largest cities. Therefore, there is ample experience and testimony regarding a new election system to include among the options for the ballot, and there is the opportunity to gather further input on outstanding questions from the public and experts on this issue between now and September.

Our concern with the proposals currently being focused on in the staff report under the section regarding "Increasing Voter Participation", all of which we support, are that none of them address the inclusion and enfranchisement of the over 750,000 unaffiliated registered voters (20 percent of whom are African American, 24 percent Latino, and 11 percent Asian American according to figures assembled by NYS Legislative Task Force on Demographic Research and Reapportionment – LATFOR - as of April 2010) and a total of 1.5 million voters not in the Democratic Party who are currently shut out from the closed partisan system we currently have in New York. These groups of registered voters have expressed an interest in engaging in the political process through registering yet are prevented from voting in the pivotal first round, or Democratic primary, where the eventual officeholders are typically chosen with an increasingly small proportion of the electorate. Citizens Union is concerned by the downward spiral in voter turnout, and believes that Top-Two is the best way the Charter Commission can open up the process and encourage more participation given the

¹ Data obtained from the New York State Board of Elections for state legislative district voter enrollment totals and from the Board of Elections in the City of New York for special election vote totals and City Council district enrollments.

constraints, legal and operational, of state law and the State Constitution with regard to the other options.

Citizens Union supports a series of reforms discussed before this very commission that would open the electoral process to allow more people to participate. Citizens Union supports and has lobbied on the state level for the passage of Election Day registration (EDR), early voting, no-excuse absentee voting, election administration reform, instant run-off voting, and poll worker improvements. After decades in which these needed measures that would enfranchise a greater number of voters and ease their access to the polls went nowhere, it now seems that the state legislature is in a position to advance these worthy election reforms. In the past two years alone, election reform bills have cleared both houses of the legislature and signed into law by the Governor. These pieces of legislation include easing the application process for an absentee ballot, allowing seventeen-year-olds to be poll workers, streamlining the process of registering to vote by affidavit ballot, and allowing for poll workers to work half-day shifts, among other things. A bill requiring poll sites to be fully accessible to voters with disabilities awaits the Governor's signature.

Citizens Union agrees that reforms such as local level EDR and early voting, which it has been advocating over a number of years, could likely be addressed for municipal elections only through changes to the New York City Charter. However, the details of these reforms are such that implementing them is likely to be too burdensome for the City or confusing to voters. And because of this, we cannot support the implementation of these desirable reforms at the city level, but will instead continue to push for their enactment at the state level, where the political climate is increasingly supportive of these reforms.

However, this is not the case with a Top-Two election system. Such a system cannot guarantee a greater percentage of participation, as voter turnout is always influenced by a number of factors including the quality of candidates, the issues relevant to particular races, and the campaign finance system. All other factors being constant, however, it is reasonable to think that opening up the process to an additional 1.5 million more voters will result in many more people voting in the first round, especially given the aforementioned turnout for nonpartisan special elections for city council seats.

The opening up of the closed primary system had raised concern in 2003 about perceived adverse impacts regarding increased party spending. It is important to recognize that the landscape for the funding of campaigns for partisan systems has changed since 2003 when this initiative was last voted on. During the 2003 Charter Revision Commission, the Campaign Finance Board noted that New York State Law prohibited parties from spending in support of a particular candidate during primary elections. Since then, however, the rules regarding prohibitions on soft money contributions and uncoordinated expenditures have changed, as restrictions on party communications with voters during the primary election cycle were deemed unconstitutional in 2006. As a result, parties can now spend in party primaries, and a shift to a two-round election system would not change the ability of parties to spend in the first round of the election as it would have done in 2003 when non-partisan elections was on the ballot.

Candidates also now receive a higher match than they did in 2003 when competing against a self-financed candidate not participating in the public campaign finance system. The City's campaign finance system since 2003 has increased matching funds for participating candidates to a 6:1 ratio from 4:1 for every eligible dollar raised, making challengers more competitive against candidates who are free to spend their own money. While the dollar threshold eligible for a match has been

lowered from \$250 to \$175, candidates bringing in smaller contributions experience larger matches for more of the money they raise. Today, participating candidates receive \$8.50 for every \$1 raised eligible for matching public funds when a wealthy competitor not participating in the program raises or spends triple the spending limit. In 2003, this additional match for a participating candidate facing a wealthy competitor was just \$5 for every \$1 raised eligible for matching public funds. In short, more public money is available today to support grassroots or party candidates to compete against wealthier candidates who opt out of the system of voluntarily imposed spending limits in exchange for matching public funds.

Another concern with non-partisan elections is the impact on the ability of people of color to get elected. The evidence through the years is not conclusive other than to look at what has happened nationwide regarding mayoral elections. A Citizens Union analysis determined that of the 50 largest cities, 4 of 9 partisan systems (44 percent) currently have a minority mayor while 17 of 41 non-partisan systems (31 percent) do. While the proportion of partisan systems having a mayor of color is higher, a shift of just one mayor of color from office in a partisan system, given the small sample size, would make the two systems comparable. Analysis by earlier Charter Commissions showed the opposite, so there no clear trend in this regard. The 1998 Commission unveiled a report finding that of the 11 cities using partisan elections, only 2, or 18 percent, had people of color mayors. Of the 37 cities using nonpartisan elections, 15, or 41 percent had mayors of color. The 2002 Commission had similar findings when examining the impact of non-partisan elections on minority representation for the most populated 100 cities in the United States. It found that “27 percent of cities with nonpartisan systems (including approximately 18 percent with white majorities) have African-American or Hispanic mayors, while only 22 percent of those with partisan elections have minority mayors, none of them in any of the 11 cities with white majorities.”

Citizens Union believes that people of color are reaching the highest level of municipal office in both systems and neither one appears to have a clear advantage in being more advantageous in that regard. It is also notable that in 2009 two important milestones were achieved. The number of Black, Hispanic and Asian residents made up a majority of voters in a citywide election for the first time. 46 percent of the voters identified themselves as white, 23 percent as black, 21 percent as Hispanic and 7 percent as Asian, according to exit polls by Edison Media Research. We also elected a city council where a majority of the seats are now held by legislators of color. These two developments convincingly indicate that the growing diversity of the City will create a different electoral dynamic in the future, one in which people of color will likely be less reliant on parties to enhance their ability to get elected.

Citizens Union believes that a Top-Two election system should be placed on the ballot this fall. It should not wait until 2012 for a 2013 citywide election. Giving the voters the opportunity to decide this fall will give the city a sufficient amount of time, should it be approved, to move to a new election system and allow for the Department of Justice to review the change to ensure that it complies with the Voting Rights Act.

In the interest of fairness and inclusion, the city of New York should no longer support an electoral system that excludes and disenfranchises 1.5 million voters from participating in elections that essentially determine who represents them. In all but the Mayor’s race last year and two city council seats, the winner of the Democratic primary election went on to win the general election.

In advancing a top-two election system, we are not taking politics out of elections or government. We are simply ending partisan control. New York cannot have effective representative government

if there is not participation from all eligible voters in what is the most decisive and determinative election.

2. Enact Independent Budgeting for the Office of Public Advocate and Borough Presidents and Enhance Their Roles

During the public hearings and issue forums, we heard from experts and members of the public on the need to strengthen the ability of communities to have their voices represented and have their input considered in decision-making, if not be part of it more directly. Independent budgeting is essential for the public advocate and borough presidents to ensure these offices can more strongly advocate for the constituencies they represent and take positions based on the merits of the issues without fear of repercussions to their budgets. While this idea is new to these offices, it is not new to the City given the Independent Budget Office's fixed budget as a percentage of the Office of Management and Budget. There has also been much public discourse on this issue in relation to the public advocate's office. The combination of an existing model and years of discussion and news articles on this topic justifies its inclusion as a topic for consideration for the 2010 ballot, not only for the public advocate and borough president's offices, but for the community boards and Conflicts of Interest Board as well.

Citizens Union has called for the public advocate's office to be linked to the City Council's budget at a rate of 5 to 7 percent, and for the budget for all borough presidents combined to be 50 percent of the Council's budget. Allocation between the borough presidents would be determined by share of the total land area of the City, proportion of the total population of the City, and the need of the borough's residents (as measured by those below 125% of the poverty level), as is currently done in determine the borough capital budgets. Community boards, in turn, would be funded at a rate of 65 percent of the borough presidents' funding, divided evenly between the 59 boards. This would exclude costs for office space, heat and electricity, which would still be determined through the typical budget process.

Citizens Union considered independent budgeting for other agencies but decided that only the COIB merited it. COIB is unique in that it oversees ethics across all agencies and elected officials' offices. Given this oversight role, it should not have its budget determined by the very people who are subject to its scrutiny and judgment. This distinct mission coupled with its independent board separates the COIB from other agencies seeking similar budget independence and justifies the request as being fundamental to its overarching function in the City Charter.

Only when the public advocate, borough presidents and community boards truly have independence from those who set their budgets will they be able to most forcefully advocate for their constituents' views. Only when the Conflicts of Interest Board has the independence, perceived or actual, to discipline those who currently set its budget will people have more faith in the system.

This is the reason to establish independent budgets for these entities. Not as a backdoor way to increase budgets during tough fiscal times, but to ensure that particularly because times are difficult and may worsen, people have a strong representative within government to robustly voice their concerns that will result in meaningful dialogue.

Independent budgeting will require that the Council and Mayor no longer directly control just over \$40 million- the total budget of all borough presidents, community boards, the public advocate, and the Conflicts of Interest Board. This is less than the cost of the Council's member items. It

represents about \$1 of every \$1,575 spent by the city. It is a very small amount of authority to cede for the very real and important feeling that people are part of their elected government, invaluable at any time and essential during difficult economic times.

Some have suggested that this proposal will put New York on a path to California's fiscal woes. California is in a fiscal straightjacket because of a referendum system that has resulted in mandates codifying high spending and low taxes. It has nothing to do with independent budgets for offices or a board that are 6/10,000ths of 1 percent of the city's budget, and can go up or down based on the entity to which they are linked.

While independent budgeting is most essential, Citizens Union also believes that enhancing the functions and responsibilities of the public advocate and borough presidents is critical to ensuring that the voice of the City's diverse communities is able to penetrate the density and vastness of city government. This includes folding the responsibilities of the Commission on Public Information and Communication (COPIC) into the public advocate's office, as well as giving the public advocate more ability to review accessibility to and cohesion of information housed with city agencies. Citizens Union will elaborate further on transparency and coordination of information disclosure in upcoming hearings related to the Commission's staff report, as an alternative or addition to the staff report's proposal to create a Commission on Performance Reporting.

3. Strengthen Community Boards & Land Use Decision-Making Process

Another area ripe for action this year in alignment with Citizens Union's overall view that a strong mayoralty should be checked by robust channels for community input are proposals related to community boards and land use, which are intertwined. The discussion related to the role of communities and community boards and the extent of their input on land use dates back decades to the work of many previous charter commissions. Lack of resources, and therefore, expertise related to the primary functions of community boards – land use input and budget advice – has long been an issue in the public discourse. Creating pools of urban planners for community boards, while giving the boards fixed budgets to financially access them, is something that builds off the work of previous commissions to allow community boards to voluntarily utilize urban planners. Both independent budgets and ensuring expertise on the boards is worthy of consideration in 2010.

Other issues related to land use are admittedly complex, and for that reason, Citizens Union deferred on many of them for work in subsequent years. However, there are matters that should be addressed this year, including ensuring the spirit of the Fair Share provisions in the 1989 Charter are finally realized through strengthening of the language in the City Charter. We should not perpetuate inequality in pursuing the perfect solution that covers all angles; all communities should receive social service providers that may not be perceived as desirable yet are necessary. Likewise, essential city resources that can have adverse environmental effects should be shouldered by all communities, and not just those who lack the political clout and know-how to block their placement. Similarly, communities deserve to know through an official response of the City Planning Commission why when 197-a plans they have worked diligently to produce are undone by alternative plans. Let us encourage the civic participation that 197-a plans foster rather than continue a process that on too many occasions has ignored these plans and bred cynicism.

4. Reform City Council Discretionary Funding, Lulus & Salaries

The last few years have brought tremendous focus to the scandals and improprieties related to discretionary funding, or member items, at both the City and State level. The City Council, to its credit, has made significant strides in addressing the shortcomings of the discretionary funding system. Including these reforms in charter language is important to do so this year, as the public memory can fade quickly and Council rules are easily reversed. Citizens Union also recommends going beyond Council actions to create equity in the distribution of discretionary funding across districts and end lulus for all but the leadership positions. These are important reforms to address in 2010 not only because they have been part of the public discourse and news cycle for some time now, but because they are fundamental to establishing more independent council members that can better advocate for their communities and evaluate issues based on substance rather than weighing potential repercussions from leadership. The Quadrennial Advisory Compensation Commission concurs, stating in 2006 that lulus were “ripe for reform” and that making changes to council salaries prospectively would “improve the integrity of government.” Four years later, this assessment still holds true and is deserving of immediate action. This represents another opportunity to strengthen the resonance of differing voices and alternative points of view that the City needs to ensure that democracy thrives.

5. Enact True Independent Council Redistricting

Citizens Union also urges the Commission to address redistricting this year given that lines for council districts will be redrawn before the next election. While the City appears to have an independent redistricting commission, it is independent in name only. Because all its members are directly chosen by elected officials, there is too close a connection between those who draw the lines and those who appoint them. We propose that 1/3, or 5 members, including the Chair and the Executive Director of the redistricting commission be appointed by the Campaign Finance Board. This will create a necessary buffer between the Council and mayor and redistricting commission members who draw the lines. Consequently, the redistricting commission will have greater independence and draw lines that more accurately reflect coherent city communities. Furthering that aim are proposed changes to the criteria for drawing lines that will specifically require that lines not be drawn to favor or oppose any party, incumbent or challenger. Lastly, the plan will have to be approved by 11 of 15 redistricting commission members instead of the current 9.

These five topics represent what Citizens Union believes are fundamental issues that the Commission should consider adding as options for 2010, and explore any outstanding questions for with the goal of getting a better understanding of for placement on the ballot this November. We believe they would complement the important issues the Commission has already identified as areas of focus in its staff report.

Citizens Union also has suggestions and technical recommendations related to the proposals the staff report identified as items to address in 2010, and will weigh in on those more fully in upcoming public forums for that purpose. We would like to take the opportunity, however, to discuss two modifications to items in the staff report that are of great importance.

6. Refine Term Limits

We agree with the Commission's assessment that this issue should be addressed on the ballot in 2010. Citizens Union also recognizes and supports the need to respect the results of the voters' will expressed through the previous referenda; for that reason, we have opposed any changes to term limits without the voter's consent since 2005. We do, however, think that reflexively returning to a ballot question limiting all elected officials in the city to two terms that was approved seventeen years ago does not take into account the more recent overarching message expressed repeatedly at the Charter Commission hearings. That message was that on issues ranging from land use to budget decisions, the public felt that its views were not always being heard or considered seriously enough. Unfortunately, the Commission does not appear to be considering any measure to strengthen the role and power of the city council. If it does one thing in this area, it should be in the area of term limits by keeping the council at three terms and reducing the terms for the citywide officials and borough presidents to two. Such an action will allow for council members who are closest to the people to advocate more strongly for local interests.

Citizens Union has historically opposed term limits and opposed the voter referendum in 1993 and 1996, though it most recently opposed changing terms limits without first returning to the voters since they had twice enacted them. CU has changed its position because it has seen the benefits that term limits have brought to our government. It has resulted in a more robust and capable council that is increasingly more diverse and representative of the city's populace.

We do not suggest returning to a system of two terms for city council when the first term is spent by newly elected members figuring out how to be effective members of the council and the second term is spent positioning themselves to run for others offices. Such an arrangement disempowers the council. With the mayoralty as strong as it is – which we support – it is important to give the council the tools necessary for it to be a strong legislative body. It is why we support a longer term limit in office for city council than for the city or borough wide offices. This question about the balance of power between the branches of government is very different then the one voters decided in earlier votes on term limits- namely, that all elected officials ought to be limited in the time they serve in office to term limits, but we feel is the best way for term limits to exist in New York.

Therefore, we urge the commission to come to a view as to what it thinks is the best term limit approach for city government and put just one question to the voters. Keeping it simple will cause less confusion than providing a menu of options that may in the end may not necessarily reflect the sentiment of the voters.

7. Transfer Lobbying Oversight and Enforcement to the Campaign Finance Board

Citizens Union was pleased to see that the staff report created a newly structured Campaign Finance Board (CFB) under a new name that would subsume the Voter Assistance Commission and also receive information related to the disclosure of independent expenditures. We also believe this new entity should assume the responsibility of lobbying oversight and enforcement. Enhancements to lobbying oversight and enforcement made in 2007 were done so with the understanding that the City Clerk's office would eventually give up this function, in part because of the inherent conflicts of interest in having an office whose members are appointed by the Council regulate those who lobby the Council. A reconstituted CFB is the proper destination

for lobbying oversight and enforcement. The CFB already is accustomed to monitoring spending by lobbyists due to the different campaign finance restrictions that apply to them as well as its familiarity with navigating the Doing Business Database. More generally, the CFB is oriented toward the receipt and public disclosure of information, doing so already for campaign finance data. Lastly, the CFB has an independent board consisting of appointees from both the mayor and both parties of the Council, which makes it more desirable than the Conflicts of Interest Board.

We thank the Commission again for its work and careful deliberation with which you all have addressed these important issues facing the city, but as we have suggested earlier, we encourage you to reach further and aim higher when you decide upon a final set of questions to place before the voters. We look forward to the continued work of the Commission and assisting in its assessment of what changes are needed to the form and function of our city.