

S T A T E O F N E W Y O R K

4122--C

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. BRENNAN, DINOWITZ, MILLMAN, WRIGHT, MAISEL, ROSENTHAL -- Multi-Sponsored by -- M. of A. GOTTFRIED, LANCMAN -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Cities in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the municipal home rule law, in relation to promoting representative charter revision commissions in cities of one million or more

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 36 of the municipal home rule law is amended by
2 adding a new subdivision 4-a to read as follows:
3 4-A. THE PROVISIONS OF THIS SUBDIVISION APPLY TO CITIES OF ONE MILLION
4 OR MORE INHABITANTS. IN APPOINTING THE MEMBERS OF A COMMISSION PURSUANT
5 TO SUBDIVISION FOUR OF THIS SECTION, THE MAYOR SHALL CHOOSE AT LEAST THE
6 FOLLOWING MEMBERS NOMINATED BY LOCAL ELECTED OFFICIALS: ONE EACH BY THE
7 COMPTROLLER, BY THE PUBLIC ADVOCATE, AND BY THE BOROUGH PRESIDENTS
8 ACTING TOGETHER; AND ONE NOMINATED BY EACH OF THE BOROUGH DELEGATIONS TO
9 THE CITY COUNCIL. IN NOMINATING AND APPOINTING COMMISSION MEMBERS, THE
10 MAYOR AND LOCAL ELECTED OFFICIALS SHALL CHOOSE INDIVIDUALS FOR THEIR
11 INDEPENDENCE, INTEGRITY, AND EXPERIENCE IN CITY GOVERNMENT AND IN THE
12 SECTORS OF THE CITY AFFECTED BY CITY GOVERNMENT. NO MEMBER OF SUCH
13 COMMISSION MAY BE A CURRENT OFFICER OR EMPLOYEE OF THE CITY OR AN OFFI-
14 CER OF A POLITICAL PARTY OR A LOBBYIST REGISTERED WITH THE CITY OR AN
15 EMPLOYEE OF SUCH LOBBYIST, NOR MAY MEMBERS MAKE CONTRIBUTIONS TO THE
16 CAMPAIGNS OF PERSONS HOLDING OR SEEKING PUBLIC OR PARTY ELECTED OFFICES

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 OR POSITIONS OF SUCH CITY DURING THEIR TENURE AS MEMBERS. COMMISSION
2 MEMBERS AND STAFF SHALL BE SUBJECT TO THE CONFLICTS OF INTEREST
3 PROVISIONS OF THE CHARTER OR OTHER APPLICABLE LOCAL LAWS OF SUCH A CITY.
4 IF SUCH A COMMISSION IS CREATED PURSUANT TO THIS SUBDIVISION AFTER THE
5 FIFTEENTH DAY OF FEBRUARY OF ANY YEAR, SUCH COMMISSION MAY NOT PLACE ANY
6 PROPOSALS ON THE BALLOT UNTIL THE SUBSEQUENT CALENDAR YEAR FOLLOWING ITS
7 CREATION, UNLESS SUCH PROPOSALS ARE APPROVED BY THE LOCAL LEGISLATIVE
8 BODY AT LEAST NINETY DAYS PRIOR TO THAT YEAR'S GENERAL ELECTION.
9 PROPOSALS FOR SPECIFIC CHANGES TO THE CHARTER RECOMMENDED BY SUCH
10 COMMISSION SHALL, TO THE MAXIMUM EXTENT PRACTICABLE, BE SEPARATELY IDEN-
11 TIFIED ON THE BALLOT FOR SEPARATE VOTER CONSIDERATION.

12 S 2. Subdivision 4 of section 36 of the municipal home rule law, as
13 amended by chapter 592 of the laws of 1964, is amended to read as
14 follows:

15 4. A charter commission to draft a new or revised city charter may
16 also be created by the mayor of any city. Such commission shall consist
17 of not less than nine nor more than fifteen members, EXCEPT THAT IN A
18 CITY WITH A POPULATION OF ONE MILLION OR MORE, SUCH COMMISSION SHALL
19 CONSIST OF NOT LESS THAN NINE NOR MORE THAN SEVENTEEN MEMBERS, all of
20 whom shall be residents of the city. Original appointments to such a
21 commission shall be made by the mayor by a certificate of appointment
22 which shall specify the number of, and names of, the members to consti-
23 tute [the] SUCH commission, which certificate shall be filed forthwith
24 with the city clerk. The chairman, vice-chairman and secretary shall be
25 appointed by the mayor from among the members of [the] SUCH commission.
26 Any vacancy in the membership of such a commission or of its officers
27 shall be filled by the mayor.

28 S 3. Paragraph (d) of subdivision 6 of section 36 of the municipal
29 home rule law, as amended by chapter 592 of the laws of 1964, is amended
30 to read as follows:

31 (d) [No] EXCEPT AS PROVIDED IN SUBDIVISION FOUR-A OF THIS SECTION, NO
32 person shall be disqualified to serve as a member, employee or consult-
33 ant of the commission by reason of holding any other public office or
34 employment, nor shall he forfeit any such office or employment by reason
35 of his appointment hereunder, notwithstanding the provisions of any
36 general, special or local law, ordinance or city charter.

37 S 4. This act shall take effect immediately, and shall be deemed to
38 have been in full force and effect on and after January 1, 2010, and
39 shall apply to any charter revision commission coming into existence on
40 or after January 1, 2010; provided that any charter revision commission
41 that is in existence prior to January 1, 2010 and which is not in
42 compliance with the provisions of this act is hereby terminated, and no
43 proposed new charter or amendment offered by such commission shall be
44 put to vote nor take effect.