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

10165

I N A S S E M B L Y

March 9, 2010

Introduced by M. of A. BRENNAN, DINOWITZ, WRIGHT, BENEDETTO, JACOBS, GIBSON -- Multi-Sponsored by -- M. of A. BOYLAND, CRESPO, GOTTFRIED, MAISEL, MILLMAN, REILLY, P. RIVERA, D. Weprin -- read once and referred to the Committee on Cities

AN ACT to amend the municipal home rule law, in relation to authorizing the city council in cities with a population of one million or more to prevent a proposed new charter or amendments from being placed on the ballot for submission to electors; and 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:

Section 1. Subdivision 5 of section 36 of the municipal home rule law is amended by adding a new paragraph (b-1) to read as follows:

(B-1) IN A CITY WITH A POPULATION OF ONE MILLION OR MORE, WITHIN THREE DAYS OF THE FILING OF A NEW CHARTER OR AMENDMENTS PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, THE CITY CLERK SHALL NOTIFY THE CITY COUNCIL OF SUCH FILING. WITHIN THIRTY DAYS OF SUCH NOTIFICATION, THE CITY COUNCIL MAY, BY A VOTE OF TWO-THIRDS OF THE MEMBERS OF SUCH COUNCIL, PREVENT SUCH PROPOSED NEW CHARTER OR AMENDMENTS FROM BEING PLACED ON THE BALLOT FOR SUBMISSION THEREOF TO THE ELECTORS OF THE CITY.

S 2. Section 36 of the municipal home rule law is amended by adding a new subdivision 4-a to read as follows:

4-A. THE PROVISIONS OF THIS SUBDIVISION APPLY TO CITIES OF ONE MILLION OR MORE INHABITANTS. IN APPOINTING THE MEMBERS OF A COMMISSION PURSUANT TO SUBDIVISION FOUR OF THIS SECTION, THE MAYOR SHALL CHOOSE AT LEAST THE FOLLOWING MEMBERS NOMINATED BY LOCAL ELECTED OFFICIALS: ONE EACH BY THE COMPTROLLER, BY THE PUBLIC ADVOCATE, AND BY THE BOROUGH PRESIDENTS ACTING TOGETHER; AND ONE NOMINATED BY EACH OF THE BOROUGH DELEGATIONS TO THE CITY COUNCIL. IN NOMINATING AND APPOINTING COMMISSION MEMBERS, THE MAYOR AND LOCAL ELECTED OFFICIALS SHALL CHOOSE INDIVIDUALS FOR THEIR INDEPENDENCE, INTEGRITY, AND EXPERIENCE IN CITY GOVERNMENT AND IN THE SECTORS OF THE CITY AFFECTED BY CITY GOVERNMENT. NO MEMBER OF SUCH COMMISSION MAY BE A CURRENT OFFICER OR EMPLOYEE OF THE CITY OR AN OFFI-

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

LBD16106-04-0

CER OF A POLITICAL PARTY OR A LOBBYIST REGISTERED WITH THE CITY OR AN EMPLOYEE OF SUCH LOBBYIST, NOR MAY MEMBERS MAKE CONTRIBUTIONS TO THE CAMPAIGNS OF PERSONS HOLDING OR SEEKING PUBLIC OR PARTY ELECTED OFFICES OR POSITIONS OF SUCH CITY DURING THEIR TENURE AS MEMBERS. COMMISSION MEMBERS AND STAFF SHALL BE SUBJECT TO THE CONFLICTS OF INTEREST PROVISIONS OF THE CHARTER OR OTHER APPLICABLE LOCAL LAWS OF SUCH A CITY. IF SUCH A COMMISSION IS CREATED PURSUANT TO THIS SUBDIVISION AFTER THE FIFTEENTH DAY OF MAY OF ANY YEAR, SUCH COMMISSION MAY NOT PLACE ANY PROPOSALS ON THE BALLOT UNTIL THE SUBSEQUENT CALENDAR YEAR FOLLOWING ITS CREATION, UNLESS SUCH PROPOSALS ARE APPROVED BY THE LOCAL LEGISLATIVE BODY AT LEAST NINETY DAYS PRIOR TO THAT YEAR'S GENERAL ELECTION. PROPOSALS FOR SPECIFIC CHANGES TO THE CHARTER RECOMMENDED BY SUCH COMMISSION SHALL, TO THE MAXIMUM EXTENT PRACTICABLE, BE SEPARATELY IDENTIFIED ON THE BALLOT FOR SEPARATE VOTER CONSIDERATION.

S 3. Subdivision 4 of section 36 of the municipal home rule law, as amended by chapter 592 of the laws of 1964, is amended to read as follows:

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

S 4. Paragraph (d) of subdivision 6 of section 36 of the municipal home rule law, as amended by chapter 592 of the laws of 1964, is amended to read as follows:

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

S 5. This act shall take effect immediately; provided, however that sections two, three and four of this act shall be deemed to have been in full force and effect on and after January 1, 2010, and shall apply to any charter revision commission coming into existence on or after January 1, 2010; provided that any charter revision commission that is in existence prior to January 1, 2010 and which is not in compliance with the provisions of this act is hereby terminated, and no proposed new charter or amendment offered by such commission shall be put to vote nor take effect.