

5197--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 21, 2013

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Introduced by M. of A. BRENNAN, DINOWITZ, MILLMAN, WRIGHT, ROSENTHAL, WEPRIN, COLTON -- Multi-Sponsored by -- M. of A. GOTTFRIED -- read once and referred to the Committee on Cities -- 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

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  
17    OR POSITIONS OF SUCH CITY DURING THEIR TENURE AS MEMBERS. COMMISSION  
18    MEMBERS AND STAFF SHALL BE SUBJECT TO THE CONFLICTS OF INTEREST  
19    PROVISIONS OF THE CHARTER OR OTHER APPLICABLE LOCAL LAWS OF SUCH A CITY.  
20    IF SUCH A COMMISSION IS CREATED PURSUANT TO THIS SUBDIVISION AFTER THE

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

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1 FIFTEENTH DAY OF FEBRUARY OF ANY YEAR, SUCH COMMISSION MAY NOT PLACE ANY  
2 PROPOSALS ON THE BALLOT UNTIL THE SUBSEQUENT CALENDAR YEAR FOLLOWING ITS  
3 CREATION, UNLESS SUCH PROPOSALS ARE APPROVED BY THE LOCAL LEGISLATIVE  
4 BODY AT LEAST NINETY DAYS PRIOR TO THAT YEAR'S GENERAL ELECTION.  
5 PROPOSALS FOR SPECIFIC CHANGES TO THE CHARTER RECOMMENDED BY SUCH  
6 COMMISSION SHALL, TO THE MAXIMUM EXTENT PRACTICABLE, BE SEPARATELY IDEN-  
7 TIFIED ON THE BALLOT FOR SEPARATE VOTER CONSIDERATION.

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

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

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

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

33 S 4. This act shall take effect immediately, and shall be deemed to  
34 have been in full force and effect on and after January 1, 2014, and  
35 shall apply to any charter revision commission coming into existence on  
36 or after January 1, 2014; provided that any charter revision commission  
37 that is in existence prior to January 1, 2014 and which is not in  
38 compliance with the provisions of this act is hereby terminated, and no  
39 proposed new charter or amendment offered by such commission shall be  
40 put to vote nor take effect.