



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

Charter Revision Testimony

My name is Eric L. Adams and, as the Brooklyn borough president, I represent 2.6 million Brooklynites. I would like to thank Chair Benjamin and the other commissioners for the opportunity to testify on this important work. I have reviewed the Commission's ballot proposals and have the following comments.

Elections:

Over the past several years, New York City has spent far too much money on runoff and special elections. Both types of election issues can and should be addressed and the proposals to address them are a good start. However, the Commission missed an opportunity to support true public financing.

Runoff Elections: The extra money spent on runoffs would perhaps be justified if there were not a viable, constitutionally accepted method of determining the will of the people without an expensive runoff. Ranked Choice Voting (RCV – also called Instant Runoff Voting) provides a method to provide the same results as a runoff without the added expense. Most recently, Maine became the first state in the nation to determine their Federal representatives via RCV. That race was challenged in Federal Court, but was upheld as constitutional.¹ While a test run to ensure that the City's election apparatus will work properly is essential, ultimately, RCV should be used for all City elections, both Primary and General. There must also be sufficient voter education around the process so that the residents will feel comfortable knowing their votes will count, just as in any other election. The system should be used when no candidate receives 50 percent on the first ballot, not the current 40 percent now in place. New York City would not be the first large US city to implement RCV. San Francisco has been using the process since 2004 and allows voters to rank their top three candidates. As with the Maine program, San Francisco's process was determined to be constitutional in Federal Appeals Court.²

Special Elections: The special election process currently outlined in the Charter leads to a ridiculous process, i.e. what we saw from the public advocate election and the recent 45th

¹ *Barber v. Dunlap* 349 F. Supp. 3d 68 (D. Me. 2018).

² *Dudum v. Arntz*, 640 F.3d 1098 (9th Cir. 2011).

Council District election. Multiple elections for the same office within such a short time wastes the public's time and money. It is difficult to convince someone of the importance of a special election when there is going to be a do-over just months later. Officials elected in a special election should serve until the next election cycle. It respects the will of the voters and reduces the need for additional costly elections.

Redistricting Timing: When the City undergoes a redistricting, potential candidates should have sufficient notice of the district lines in order to collect signatures. Moving the dates of the notice to earlier in the process, and thereby returning to how it was before the most recent changes, makes sense.

Public Financing: I am proud that Sal Albanese placed democracy vouchers in front of this Commission, but I am disappointed that the Commission was not willing to put this before the voters in November. True public financing will increase participation by those groups that have systematically been marginalized by our current system. I will continue to fight to get this important provision in front of New York City residents. The current 8-1 matching system is a step in the right direction, but the ability of members of the Council to retroactively change the rules in their favor mid-campaign is a glaring flaw that needs to be fixed. True public financing can address that issue.

Civilian Complaint Review Board (CCRB):

Structure and Rules: Adding new members, one appointed by the public advocate and the other being the chair (jointly appointed by the mayor and speaker), and having the City Council appoint, rather than designate, its members will help to shed light on the Board's work and increase accountability to the people of New York City.

In addition, the other proposals to require the police commissioner to provide an explanation in all cases when they deviate from disciplinary recommendations of the CCRB, and giving the Board the power to delegate the subpoena power, will make the Board both efficient and more transparent. If we want the public to trust the workings of the Board, there must be accountability to the people.

For the CCRB to work properly, they must be able to call to task any officer who misleads the Board by making a false, material statement to the Board. We have to hold the NYPD to a standard of accountability that is on par with their responsibilities to our community. They must be truthful in their work.

Governance:

Corporation Counsel: The role of the Corporation Counsel is too significant to be left to one person alone. The City's lawyer should be appointed with the advice and consent of the people's representatives, the City Council.

COIB Structure: Ensuring that our government works best requires that work to be done by those without a conflicting interest. To ensure this, allowing all citywide officials to each have an appointment on the Board makes sense.

M/WBE Director: This position is critical to improving diversity and equity in our City. The director should report directly to the mayor and have the resources of the mayor's office at their disposal. We also need real-time data on MWBE/E workforce numbers so that the City can monitor the success or failure of diversity initiatives.

Finance:

Units of Appropriation (UA): There should be a structure in which the mayor and the Council can establish the structure of UAs. They should also be properly defined so as to improve accountability, oversight ability, and transparency. Currently, UAs, which are supposed to target funding for particular programs, are so broad that it is too time-consuming to determine what specific programs the money is going to. This hurts the ability of the Council to provide meaningful oversight and fosters a budget process that is far too opaque. Accountability and transparency are the foundations of democracy and should not be set aside because the budget is large. If anything, a larger budget needs more transparency.

Revenue Estimates: Requiring the mayor to provide an earlier budget estimate, and requiring them to provide an appropriate explanation for the change, will help streamline budget negotiations and increase transparency in the budgeting process.

Financial Plan Updates and Budget Modifications: It makes common sense that any financial plan updates are accompanied by proposed budget modifications and that those updates and modifications are given to the Council in a timely manner.

Rainy Day Fund: Given that the City already has a version of the Rainy Day Fund, it makes sense to make it official (noting that the State must take action to do so).

Guaranteed Budgets for the Public Advocate and the Borough Presidents: I support tying these budgets to the lesser of inflation or the percentage change in the City budget, unless the mayor makes a written determination that any alteration is necessary to address a downturn in revenues or unforeseen circumstances. These offices provide important resources and advocacy for their constituents and their budgets should reflect the importance of their work.

Land Use:

ULURP Process: While I applaud the idea of giving community boards more time to consider proposals, my office has a long-standing practice of considering community board input whenever it is submitted (assuming it is before the Council votes). Ideally, the pre-ULURP submission statement would be circulated to the borough presidents and the community boards upon receipt by the New York City Department of City Planning (DCP). This would provide

transparency to the process and allow communities more time to review and impact the planning process.

Additional Proposals:

Post-Employment Appearance Ban: The revolving door between government and lobbying is far too pervasive. Expanding the time between service and lobbying may help alleviate this, but will it also remove the voices of those with expertise? What are the benefits of two years versus one year? Is this just an arbitrary number or is there evidence that this will alleviate the problem?

COIB Campaign Donations: In order for the COIB to have a meaningful impact on corruption, it must be above the fray. Appointed members must refrain from political contributions to local candidates.

Introduction of Legislation: Borough presidents must be able to directly introduce legislation to the City Council without a sponsor. Requiring a City Council sponsor is an unnecessary hurdle that stands between residents and the legislative process. Borough presidents have a larger constituency and therefore a broader view of their borough's legislative needs. They should be able to introduce legislation to address those needs without undue obstacles.