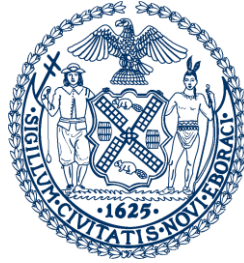


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**Testimony to the New York City Charter Revision Commission on the
Preliminary Staff Report
Monday, July 23, 2018**

I commend this Commission for conducting an open and transparent process that included months of public meetings, debate, and deliberation. The City Charter affects the lives of everyone living and working in New York City and it is imperative that any process seeking to change the Charter has a robust dialogue with those whose lives will be impacted. Thank you to the staff for their diligence as shown by this detailed and comprehensive report outlining testimony and highlighting items for the Commission. While government too rarely reflects the voices of those who speak out, it is great to see so many voices from all over the city reflected in the preliminary staff report.

New York now looks to the Commission to put the strongest recommendations on the ballot, recommendations that cannot get done through the political process and will reset the foundation of this great city and create a democracy that empowers every voice in elections and governance. We need an ambitious set of charter reforms that New Yorkers can vote for and that will restore a democracy of, by, and for the People.

The Preliminary Staff Report outlined seven issue areas for consideration for inclusion on the ballot. I wish to focus on solutions to two of these issue areas where this Charter Commission can have the most impact and must take action: campaign finance and community boards.

The three most important reforms for this Charter Revision Commission are:

1. **Get Big Money Out of New York City Politics** – of all the options presented there is only one way that will actually get big money out of New York City politics and that is by matching **every** small dollar contribution with public dollars. Anything less than matching **every** small dollar will leave an incentive to seek and accept large dollar contributions that at worst have a corrupting influence and at best create the appearance of impropriety.
2. **Term Limits for Community Boards** – as we seek to empower Community Boards, term limits are necessary to ensure that these bodies reflect their communities and create a culture of getting things done and foster mentoring and the passing on of institutional memory.
3. **Binding Land Use Powers for Community Boards and Borough Presidents** – the Community Boards along with their Borough Board and their Council Member or Borough President must be able to initiate Uniform Land Use Review Procedures (ULURP) completely funded by the City or with a triple no have a veto.

Please note that any reforms to the Community Boards are meaningless without full public matching, as those appointed will still answer to their Council Members and Borough President, whom without it may still have to answer to big moneyed donors and special interests.



Executive Summary of Campaign Finance Recommendations

Get Big Money Out of New York City Politics

Support **Match Every Dollar with a Full Public Match** – increase the public match from 55% to match every small dollar (approximately 85% of the spending limit).

Support **Lower Dollars Matched and Increase Multiplier** – reduce the matching of only the first \$175 to \$100 of a contribution from a city resident with the matching rate increased from 6 to 1 to 10 to 1 for a total of \$1,100.

Support **Lower Contribution Limits** – lower contribution limits to \$2,000 for citywide and \$1000 for borough and City Council because you should not be able to give more to the Mayor than the President.

New **Stop Matching Big Dollar Contributions** – Stop matching big donations over \$175—ideally lowered to \$100—with public dollars and force big money candidates to actually solicit small dollars from residents if they want public matching funds.

New **Eliminate War Chests and Kill All the Zombie Committees** – bring back prohibitions against non-participant war chests by repealing Local Law 189 of 2016 and requiring candidates in New York City to have only one authorized committee at a time with any remaining funds paid to the city after each election.

Expand Candidates and Voters Now

Support **Empower Residents to Run for Office** - automatically allow candidates who qualify for public matching to be on the ballot as an alternative to archaic petition requirements.

Support **Automatic Voter Registration** – government should use all opportunities of interaction to register voters or update voter registration information.

New **Separate Voter Assistance and Campaign Finance** – the administration of the public matching funds must be done impartially and separated from legislative advocacy, voter registration, and voter engagement.

New **Lifetime Term Limits** – eliminate the revolving door between the Albany legislature and New York City Council with lifetime term limits for city offices.

Support **Act Now** – the unique environment of the 2021 election presents the only meaningful opportunity to enact reform.



Executive Summary of Recommendations for Community Boards

Better Representation and Reflection of Community

Support **Term Limits for Community Board Members and Leadership** – community boards must no longer be a lifetime appointment and must have term limits for membership as well as for leadership positions.

New **End Automatic Reappointment with Standardized, Public Applications** – applications must be publicly available online and in print with everyone required to submit an application with non-confidential information.

New **Ensure Representation with Automatic Removal for Non-Attendance** – the Charter currently provides for removal for non-attendance by the community board or the Borough President, which is rarely used, and should be strengthened with automatic vacancies.

New **Prohibit the Appointment of Partisan Party Officials or Lobbyists** - – de-politicize community boards so they serve the community, not the interests of elected officials, political parties, or the special interests of lobbyists.

Land Use Powers for Community Boards and Borough Presidents

New **Binding Land Use Power to Initiate or Veto ULURP** – community boards must be able to initiate or veto ULURPs with support from Borough Board and Council Member or Borough President.

Support **Urban Planners for Every Community Board** – each community board, especially those that do not see a need, would have the resources needed to achieve their Charter mandate for planning.

Support **Office of Community Planning** – in order to assist and coordinate their Charter mandate for planning, community boards need an office that answers to them and not the Mayor.

Support **Member Training** – provide community board members with the knowledge they need to be effective with mandatory training on conflicts of interest, budget and the contracting process, zoning and ULURP, Board of Standards and Appeals, as well as landmarks.

Boundaries

Oppose **District Boundaries** – overlapping boundaries with multiple elected officials strengthens boards and provides better representation while tying boundaries to Constitutional mandates for one person one vote would needlessly gerrymander and split communities.



Campaign Finance Recommendations

Since its inception in 1988, New York City has had *the* model campaign finance system in the country. It is a system that has survived court challenges, been strengthened by legislative changes, and helped candidates like me compete and get elected. It is a system I am invested in protecting and improving upon during my time in the City Council. But no system is perfect, especially not one as complex and impactful as campaign finance. There is room for improvement, and I offer to this commission proposals large and small that will create a fairer campaign finance system by shifting the balance of power away from the wealthy and well-connected, back toward the people it was designed to serve.

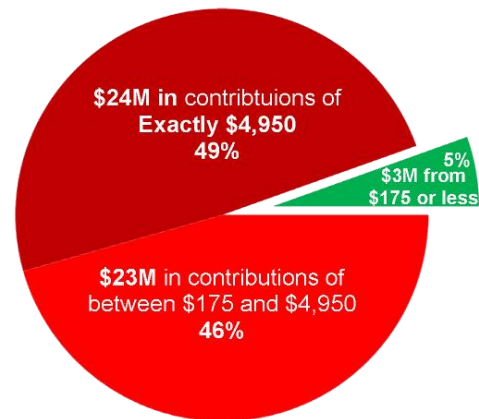
Get Big Money Out of New York City Politics

The current 6:1 match for the first \$175 of any qualifying contribution amplifies the influence of small donors and makes it possible for candidates who are not wealthy or who do not have access to wealthy donors to run competitive campaigns for an elected office in New York City. But an analysis of recent municipal elections shows that large donors and special interests still have a far greater influence on candidates than the 1988 Campaign Finance Act intended.

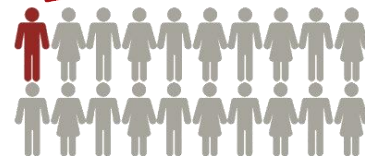
In 2013, 49% of all contributions to mayoral candidates – totaling \$24 million – came from contributions of \$4,950, the maximum contribution allowed under law. Only 5%, or \$3 million, came from small donations of \$175 or less. The same analysis showed nearly the same result in the 2017 election cycle when 47% of contributions to mayoral candidates came from checks of \$4,950, again the maximum contribution allowed under law, with less than 10% coming from contributions of \$175 or less. Though the public matching funds system was created to counteract this problem, we still have a system where half the money comes from a few wealthy donors with special interests.

Empowering small donors is at the heart of our campaign finance system, which seeks to reduce the influence of large-dollar donors, encourage everyday New Yorkers to participate by giving what they can, and pave a path for candidates to run primarily with the support of large numbers of local supporters.

95% of the amount contributed to 2013
 Mayoral candidates were **Big Dollars**



5% of big dollar contributions of \$4,950 accounted for nearly half of the money in the 2013 race for Mayor.





Support **Match Every Small Dollar with a Full Public Match**

A full public match campaign finance system that will finally incentivize and allow candidates to run on small dollars alone, will reduce the corrupting influence of big dollars and special interests in our elections process and empower New Yorkers who cannot write checks of \$4,950 but still want their voices heard.

In 2016, I authored Introduction 1130. It was co-sponsored by 31 of my colleagues and received a hearing the following year and had the support of every candidate for City Council Speaker. I re-introduced this legislation this year as Introduction 732, and it already has 22 sponsors. I am hopeful that before November, the City Council will use its legislative authority, as we have done many times before, to pass and the Mayor to sign this local law as a meaningful reform legislation that strengthens our campaign finance system. If we should fail however, the people of the City of New York need this Commission to put to the voters a proposal to get big money out of our elections and empower everyday residents to run for office.

New York's campaign finance system has one glaring flaw that must be addressed: the arbitrary discontinuation of the 6:1 matching funds payments once the amount of public funds a candidate receives reaches 55% of the total spending. Once this 55% cap is reached, even otherwise qualifying contributions are no longer eligible for the match. This creates a funding gap between the total spending cap and the amount a candidate can receive with the small dollar match. As every candidate will tell you, if you do not try to raise the maximum and keep up with your opponents, you will not be competitive, and you will lose. But you do not need to take our word for it, an analysis of campaign funding compared with election results will show that candidates who relied only on their public match without reaching the spending limit almost always did not win.

The "big dollar gap" for City Council is \$65,217, escalating to a staggering \$2.5 million for mayor. Candidates for mayor are thus forced to make a choice on how to raise \$7 million. Collect 1,408 contributions of \$4,950 from individuals with special interests who have given to every Mayoral candidate before or rely on the public match and do ten times the work collecting more than 17,920 contributions of \$175? Some candidates pursuing the small dollar option who run in communities with residents unable to contribute \$175 would instead need to seek 313,605 contributions of \$10. Faced with these options, we can understand what is wrong with the system. Politicians who wish to be successful in running for higher office must have a single-minded focus on chasing high dollar contributors and convincing them to write checks of \$4,950 in order to fill a multimillion-dollar hole in the City's current campaign finance system.

Removing the arbitrary 55% cap and matching every contribution allows someone running for mayor to collect 5,689 contributions of \$175 to raise roughly \$1 million in small donations, and have that \$1 million matched with \$6 million in public funds, thus fully funding a campaign. This would give candidates the means to compete without the need for a single check for the maximum allowed under the law from special interests or the need to rely on lobbyists who bundle multiple large checks in order to build influence and collect favors.

Failing to eliminate the "big money gap" will undermine any changes this commission presents to the voters and perpetuate a system that fails to level the playing field between the wealthy few and the other 8.2 million New Yorkers our government is supposed to serve.



In testimony to this Commission, the New York City Campaign Finance Board (CFB) recommended increasing the current 55% cap to 65%. While it is encouraging that CFB recognizes the problems created by a 55% cap, increasing the public match by only 10% does not have a meaningful impact. In fact, with the increase in spending limits in 2021, the CFB proposal still leaves the same \$2.6 million to fill. If this Commission is to present the voters with real reform, it must not replace one arbitrary cap with another that yields the same results. The problem is serious and requires a bold proposal to address it. Lifting the cap to match every dollar eliminates the gap entirely and is the only appropriate solution to put before the voters.

Support **Lower Dollars Matched and Increase Multiplier**

There are additional improvements that may not get big money out of politics, but will help improve participation in funding of elections by more residents.

In 1997, when New York's matching rate was 1:1, city council candidates had an average of 176 small donors (\$250 or less) per 100,000 participants. As the match was increased to 4:1 in 1998 and then 6:1 in 2007, the number of small donors grew to 197 and 218, respectively. By increasing the value of small donations, the campaign finance system incentivized candidates to seek them out. Accompanying these changes was a lowering of the dollar amount that was matched. The initial \$1,000 was reduced to \$250 and then \$175.

While I again appreciate CFB's recognition that small dollars must be incentivized, I disagree with its suggestion to raise the eligible matching amount to \$250 as this would be a step backwards toward larger contributions. Additionally, my initial proposal to create two or more tiers of matching ratios was overly complicated and would result in unnecessary confusion that could discourage participation.

To further incentivize candidates to seek small donations, we should further lower how much of a contribution is matched and increase how many times that amount is matched to make those small donations worth more.

Currently the first \$175 of a contribution from a city resident is eligible for matching at a rate of 6 to 1 for a total of \$1,225. Many, especially those in low-income communities of color, argue that this is still a large amount to raise from the community. An analysis of the source of contributions in low-income communities of color shows that the bulk of fundraising comes from outside districts. To empower every New Yorker, the matching amount should be reduced to \$100 and matched at a rate of 10 to 1 for a total of \$1,100.

This Commission must incentivize elected officials to raise funds from residents in their own districts regardless of socioeconomic status by lowering the dollar amount eligible to be matched from the current \$175 to \$100. To accommodate this lowering of the eligible match cap, and because [research shows](#) that another increase of the multiplier would result in even more small donors, the match ratio should be raised from the current 6:1 to 10:1.



Support **Lower Contribution Limits**

The new contribution limits for 2021 of \$5,100 for citywide, \$3,950 for borough wide, and \$2,850 for City Council presents an ever escalating incentive to raise large contributions. All of these amounts are higher than the \$2,700 limit on donations to a presidential candidate. We should have a contribution maximum of \$2,000 for citywide candidates and \$1,000 for borough president and City Council or lower.

New **Stop Matching Big Dollar Contributions**

The first \$175 of big money contributions of as much as \$5,100 are still matched, meaning many candidates get millions in public dollars without ever taking a small dollar contribution. Any contribution over \$175-ideally lowered to \$100-should not qualify for public matching. There is no reason why a citywide candidate receiving a contribution of \$5,100, needs \$1,050 in public dollars as any type of reward for taking such a large big money contribution. This would also force big money candidates to actually solicit small dollars from residents if they want the public matching funds.

New **Eliminate War Chests and Kill All the Zombie Committees**

We want elected officials and candidates to spend their time working for their districts. This means talking to residents, even if it means asking for small dollars. We do not want elected officials and candidates spending their time chasing big money as they talk to big dollar donors outside their districts who may only wish to exploit the neighborhoods they represent. This means candidates should be able to raise what they need in small dollars from their residents and once they reach their public match and spending limit, stop and get back to business. The more money candidates are raising, the less they are doing the jobs they are paid to do.

Eliminate War Chests

New York City's Campaign Finance system had discouraged the creation of campaign war chests by non-participants who were not relying on small dollars, particularly among incumbents, by making contributions to political committees of non-participants ineligible for transfer for matching in future elections. In 2016, this law was thrown out by Local Law 189 which was authored specifically to allow contributions first made to a committee created by "one or more candidates to aid or take part in the elections of such candidate or candidates" to transfer funds to a candidate's principal committee and still have the transferred funds eligible for public matching. In effect, it allows incumbents who do not face a competitive election to war chest with big dollars, giving them an advantage over every other candidate who participated in the public matching funds program.

The impact of the repeal of the anti-war chest by non-participants provision in Local Law 189 was immediate. In [2013](#), only 5 incumbent New York City elected officials did not participate in the public matching funds program. In [2017](#), non-participants in the public matching funds program increased to 17 incumbents, more than triple.



Kill All the Zombie Committees

Another loophole that has emerged is for candidates in New York City elections to get around city contribution limits with candidate committees for state and federal offices, raising tens of thousands of dollars from outside a system designed to limit the influence of big money in our city.

When candidates do not use the money in their city, state, or federal accounts for an election, or once those candidates are no longer in office due to a term limit, losing an election, resignation in disgrace, or even death, their campaign committees live on as “zombie committees.”

One notable example involves convicted – and reconvicted – on felony corruption charges, former Assembly Speaker Sheldon Silver who is barred from ever holding public office in New York. Yet, through a campaign account called SpeakerPAC, Silver is [able to use \\$428,764 for political purposes or legal defense](#). Unfortunately, Silver is one of example of many former elected officials who maintain campaign accounts years after having left, or been removed, from office.

To prevent the buildup of a “war chest” or the spread of “zombie committees,” all money raised for the purpose of an election cycle should not be transferred to another committee and instead should be given to the City following the close of that election cycle to cover the costs of public matching funds program.

This Commission must eliminate “war chests” and kill all the “zombie committees” by eliminating a candidate’s ability to participate in a succession of authorized committees and limit fundraising to a single principal committee valid for one election cycle only with any additional funds paid to City of New York to turn big money contributions into public matching dollars that incentivize small dollar donors.

Expand Candidates and Voters Now

Our legislatures should mirror the people they serve. Without a way for everyday New Yorkers to mount competitive campaigns for elected office, our legislatures are missing the array of life experiences they are empowered to address. We need elected officials who have lived what their communities have lived and we must give those individuals the opportunity to enter public life.

Support **Empower Residents to Run for Office**

We should take this opportunity to offer a different method to gain access to the ballot. Currently, prospective candidates have 37 days to collect 450 signatures if running for City Council, 2,000 for borough president, and 3,750 for citywide office in order to appear on the ballot. This process has given rise to “ballot bumping” by political clubs and created a cottage industry of lawyers hired by campaigns to knock their opponents off the ballot, often on technicalities like an incorrect or missing date at the top of a signature page. Mayor de Blasio was briefly removed from the ballot for public advocate in 2009 because although he collected exponentially more than the required the number of signatures, the Board of Elections (BOE) incorrectly claimed the cover page de Blasio submitted with his signatures listed 131 folders when the BOE counted 132. Admitting fault, BOE voted to [reinstate de Blasio on the ballot](#).



We should allow candidates a spot on the ballot when they qualify for matching funds. This means any candidate who convinces the required number of residents from their proposed jurisdiction to give at least \$10 and raises a [minimum amount](#) of money in small dollars:

- 75 and \$5,000 for City Council,
- 100 and \$10,000 - \$50,094 for Borough President,
- 500 and \$125,000 for Public Advocate and Comptroller, and
- 1,000 and \$250,000 for Mayor

In 2016, I authored and submitted for consideration [Introduction 1129](#) to the New York City Council, which only had sponsorship from two other members, Fernando Cabrera and Antonio Reynoso, and never got a hearing. I have reintroduced this legislation to the Council, as Introduction 730, and hope it will be included in any reform legislative package of the Council.

Requirements for ballot access exist to better ensure candidates have some measure of support from the communities they seek to represent. While in some neighborhoods campaigns gather signatures by targeting registered voters of their party in door-to-door canvassing, in high density residential neighborhoods or any area near public transportation, it is common practice to gather signatures at random from individuals on the street. Some campaigns, like mine, take the time to verify these signatures before submitting to BOE, striking any who are not registered voters, not a member of the same political, party, and/or not a resident of the same district, but others do not.

Further, it is accepted practice to present multiple candidates on one signature petition page. Signing for someone who is running for mayor, for example, also counts as a signature for every candidate on the page, even if the signatory has no idea who they are and otherwise would not have signed their name to endorse the candidate appearing on a ballot. Such common practices in no way signify a candidate's level of support in the district they seek to represent. A campaign donation of \$10 demonstrates support far better than a hastily scribbled signature from a voter as they rush into the subway.

Support **Automatic Voter Registration**

If the government is to impose a voter registration burden, then it is the responsibility of government to use all opportunities to help otherwise eligible voters to register. Automatic voter registration ensures that when someone who is eligible to vote interacts with a government agency, they are registered to vote or their existing registration information is updated, unless they opt out. Additionally, agencies may transfer voter registration information electronically to election officials to prevent errors and ensure the timely transmission of new or updated registrations.

Twelve states and the District of Columbia have already approved automatic voter registration and, where implemented, it has increased registration rates and lowered costs. In the first six months following enactment, Oregon added 222,197 new voters through [automatic voter registration](#). This represented a nearly four-fold increase in DMV-related registrations compared to previous election cycles before automatic voter registration was enacted.



BENJAMIN J. KALLOS

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On May 2, 2016, I introduced [Resolution 1060-2016](#) in support of the Voter Empowerment Act of New York (A.5972 and S.2538-B) by then-Assembly Member Kavanagh and Senator Gianaris. Building on my [Local Law 3 of 2014](#), which expanded agency-based voter registration, there is city legislation I have authored but not yet introduced which requires City agencies to register someone to vote, rather than simply offering a voter registration form and assistance. Opt-out systems have proven more effective than opt-in and this is an issue where the City does not need state authorization to implement.

New **Separate Voter Assistance and Campaign Finance**

The administration of the public matching funds must be done impartially and separated from legislative advocacy, voter registration, and voter engagement.

The New York City Campaign Finance Board is entrusted to impartially administer the public matching system, determine which candidates qualify for hundreds of thousands or millions of dollars of payment, and conduct post-election campaign audits that often result in thousands of dollars in fines for which a candidate is personally liable.

Recently, the Voter Assistance Advisory Commission (VAAC), with responsibilities to register voters, has been expanded by the agency to include advocacy through the brand “NYC Votes” for legislative reforms in Albany, as well as targeting specific districts for voter registration drives, candidate debates, and even “Get Out the Vote” (GOTV) calls to voters. This last activity is a typical campaign activity which CFB has classified as a “permissible campaign expense.” Recently, CFB has gone as far as to recruit small dollar donors from campaigns, without explicit permission from those candidates, to volunteer for them in other districts.

This has created a situation where the same entity that can decide an election by granting or not granting public funds, as well as ruin a candidate’s ability to run for future elections with insurmountable fines, is also lobbying many of those same candidates for city office while they serve in the state legislature and engaging in activities meant to have an impact on a city election.

It was suggested to this Commission that the City needs an Office of Civic Engagement to connect New Yorkers with their government and activate voters. Whether such an office is created, or we transfer functions into the existing Community Affairs Unit (CAU) of the Mayor’s Office, whose mission is “to establish deep partnerships with communities in order to actively engage and mobilize New Yorkers in City government,” this Charter Commission should once again separate voter assistance from campaign finance.

New **Lifetime Term Limits**

New York City-based legislators account for 26 State Senators and 65 State Assembly Members. In 2016, 60 (66%) legislators faced no challenge in the party primaries. Of the 24 who did face challengers, 3 lost. This is a reelection rate of 97%. With a registration advantage of 4:1, New York City is dominated by Democrats and General Elections are largely pro forma. In fact, 23 city-based state legislators faced neither a primary nor general election opponent. No wonder the average tenure in the State legislature is [over a decade](#).



BENJAMIN J. KALLOS
NEW YORK CITY COUNCIL MEMBER
DISTRICT 5, MANHATTAN

All 59 municipal offices were on the ballot in New York City in 2017, all but 10 featured incumbents. Of them, 23 (47%) were uncontested in the primaries. None lost their primary races and only 1 lost the General Election. This constituted a [reelection rate of 98%](#).

Incumbents are nearly impossible to unseat and what we see now is officials moving back and forth between the State Capitol and City Hall. While the city has term limits, they are merely limits on the number of consecutive terms one can serve, not a lifetime limit. While the City's existing campaign finance system better ensures a candidate can financially compete against an incumbent, the power of incumbency (or virtual incumbency in the case of an official switching between levels of government) is still too great a hurdle for otherwise qualified candidates to overcome or even gain momentum against.

In 2017, 5 Assembly Members and Senators ran for open seats in the New York City Council, and almost all of them won. Now, more than 20% of the New York City Council are former Albany legislators.

A concern among good government advocates is that state officials, drawn to the higher salaries offered for municipal elected offices, will run for municipal office and remain until term limited. Following this -or the year before given that municipal and state elections occur one year apart- they will seek their old seat in Albany for four to eight years, then once again return to the City. Over and over ad infinitum. This kind of musical chairs discourages new candidates and ultimately does a disservice to the voters.

It is worth noting that while New York City elected offices are subject to a non-partisan special election, vacancies in the Assembly and State Senate are filled through a partisan party process dictated by party bosses that can allow them to handpick the candidate who will receive the party's nomination. In the system we are starting to see, being an Assembly Member or Senator is a requirement for running for City Council. Not having a life time term limit further empowers partisan party politics and the special interests they serve over residents.

The Campaign Finance Institute has noted that California has lifetime term limits, creating a natural career arc for successful Los Angeles politicians of six years in the Assembly, followed by eight years in the Senate, and twelve years in the City Council. In effect, this limits them to 26 years in elected office.

In order to have truly open elections, empower residents over political machines, and end the game of musical chairs between Albany and New York City elected officials, this Commission must place before the voters lifetime term limits for New York City elected officials.



BENJAMIN J. KALLOS
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DISTRICT 5, MANHATTAN

Support **Act Now**

This Charter Revision Commission has an opportunity to correct this problem now, so that we do not have another cycle of municipal elections where the wealthy few get to decide who runs our great city. Forty-nine municipal offices are scheduled to be “open” for the 2021 election. This unprecedented turnover presents a rare opportunity to encourage candidates to seek small donors and enter office indebted only to the people they serve. With an incumbency advantage of 98%, our next opportunity will not come around until at least 2029. If we want our government to mirror our population and serve everyone, we must act now. For if we want our democracy to be for the people, it must be funded by the people.

The Staff Report discussed concerns that were raised by some that since fundraising for the 2021 cycle is already underway any changes to the campaign finance system should apply to the next election cycle, in 2023. It was also suggested to offer candidates the choice of under which system they choose to conduct their campaigns. Such a two-tiered system will create confusion and inequality among candidates and, moreover, is completely unnecessary. Under the current system, if a candidate raises funds exceeding the maximum allowed, they are required to pay that money to the City. If the matching rate or dollar amount subject to match were to change as a result of the November vote, candidates can simply use the existing process to align their current fundraising with the new rules.



Community Board Recommendations

New York City's Community Boards originated in the 1950s, when Manhattan Borough President Robert F. Wagner established twelve “Community Planning Councils,” each comprised of 15-20 members. The councils served an advisory role to the Borough President, primarily for planning and budgetary issues. As mayor, Wagner institutionalized the councils as “Community Planning Boards” in the 1963 Charter Revision, extending them to all five boroughs.

Expanded again in 1968 by Mayor John Lindsay through the passage of Local Law 39, Community Boards acquired their present structure in the Charter Revision of 1975, which established the Uniform Land Use Review Procedure (ULURP) and expanded the number of boards to the present 59. Additionally, the 1975 Charter Revision Commission recommendations gave the Community Boards a formal role in three specific areas: (1) Improving the delivery of city services; (2) Planning and reviewing land use in the community; and (3) Making recommendations on the city's budget.

Currently, each Community Board consists of up to 50 volunteer members appointed by the borough president, with half nominated by the City Council members representing that district. Board members are Charter mandated to reside, work in, or have some other significant interest in the community. As the most local form of government, Community Boards serve an essential role in our city's democracy by shaping neighborhood development and advising government on community needs and interests.

On March 3, 2014 I chaired a hearing of the Committee on Governmental Operations on “Best Practices for Recruitment and Appointments to Community Boards.” The hearing received testimony from 19 individuals, organizations, and borough presidents past and present. There was a strong desire for reform to strengthen Community Boards with greater resources and standardized processes so that each Borough President and Community Board could review which practices worked best to improve recruitment and maintain vibrant, functional boards. For residents looking to express their concerns, become involved in local government, or receive support from their neighbors, Community Boards can be an ideal space—but only if we ensure that they are safe, open, and inclusive. Truly valuing current and prospective board members' knowledge, expertise, and eagerness to contribute to their neighborhoods also means we must entrust within them greater power over land use matters so the residents of those neighborhoods have a real say in the future of the places they live, work, and love.

Community Boards were created and amended by Charter Revision Commissions and this commission should continue the work of its predecessors by entrusting boards with greater land use powers, imposing term limits, providing greater resources and training to board members, standardizing best practices, providing transparency, and removing politics and conflicts of interest from the appointments process.



Better Representation and Reflection of Community

Since 2014, I have advocated for term limits because they create a culture of getting things done, one where current and outgoing members mentor new members and pass on knowledge, and which allows new voices and new ideas to enter the public discussion. The voters of New York City have repeatedly said they prefer term limits exist for their elected representatives. Term limits for city government has served its residents well by ensuring regular turnover in decision makers and providing greater opportunities for more residents to serve their communities. Term limits for community boards will better ensure each board reflects the neighborhood(s) they represent.

Support **Term Limits for Community Board Members and Leadership**

This Commission must establish lifetime term limits for Community Board members. In 2013, I endorsed Citizens Union's proposal for five consecutive two-year terms. In 2015, I co-sponsored and heard Introduction 585 by Council Member Danny Dromm. The Commission should accept either of those two options, or in the alternative, set Community Board member term limits in line with the City Council for two terms of four years, which would be phased in and staggered to prevent a mass exodus of institutional knowledge. Terms should begin at the midway point of Borough President and Council Member terms. For example, I took office on January 1, 2014. Under this proposal, my first appointments to community boards would have been for a term beginning in 2016 and lasting until 2020. I would have had time to serve with and get to know my predecessor's appointments for two years and better judge their performance when considering reappointment. Additionally, a member's term would exceed that of the Borough President or Council Member who appointed them, leaving the board member freer to vote their conscience.

Board leadership should also be subject to uniform term limits. A lifetime limit of two, one-year terms for board and committee chairs for each position better ensures an active board where members have the opportunity to lead, share their voice, and pass on leadership skills to other members.

If an elected official is heavily financed by the real estate industry, they are likely to choose appointments that as a member of a Community Board are either from, or will be sympathetic to, the interests of the real estate industry. Whereas, given my positions in favor of responsible development and against supertalls and gerrymandered zoning lots, my appointees may be afraid to be in favor of unregulated real estate development. The point being that board members know how their appointers want them to vote and due to the fear of not being reappointed, those preferences weigh heavily when it comes time to vote.



Consider two examples from 2007: Bronx Borough President Adolfo Carrion refused to reappoint the chair of Bronx Community Board 4 and several other members who [voted against the Yankee Stadium redevelopment plan](#) he supported, ominously remarking: “I expect that appointees will be bullish about growth and opportunity. When that doesn't happen, we change.” Brooklyn Borough President Marty Markowitz removed five longtime members of Brooklyn Community Board 6 who [opposed the Atlantic Yards project](#). According to one purged member, Markowitz threatened her months in advance of the appointment decision that he was going to “get rid of everyone on the board that voted for this...Remember you are my appointee.” Such direct political intimidation is anathema to a community board’s purpose of providing an authentic local community voice in city government.

Unfortunately, instances of political purges or intimidation in community boards have arisen repeatedly over the years. Staggered term limits will reduce these instances and allow more members to vote in the interests of their community, rather than merely the interest of those who appointed them. Either way, more representative Community Boards will require this Commission to get big money from special interests out of city elections.

This Commission must put term limits for Community Board members and leadership before the voters.

New **End Automatic Reappointment with Standardized Public Applications**

Every Community Board should benefit from the best application process in New York City. Borough presidents have innovated their applications, but there has been limited sharing of best practices across boroughs. A standardized and transparent selection process for Community Boards, with reporting on best practices to the public and between government agencies is needed.

A uniform, comprehensive application for all five boroughs should include written questions requiring all applicants seeking appointment and reappointment to explain their motivations for joining or remaining on a Community Board. Applications should be available in print and online and, in the interest of transparency, all completed applications must be made publicly available so that neighborhood residents know the individuals making decision on their behalf.

All applications should be disclosed online for appointed members, disclosing cross streets of residence, their employer, income bands, whether they own or rent and, if rent, whether the housing unit is market rate or rent regulated, whether they own a car or take public transportation, any potential conflicts of interests, and other answers from their application that reflect on them and their likely decision making. Demographic information could be reported on an aggregate level so Community Boards are more likely to reflect the communities they represent.

A standard, publicly available online application will end the culture of automatic reappointment, encourage stronger performance, and better ensure members reflect their communities. Members may be volunteers but they are part of a government entity and their decisions affect their entire neighborhoods. The public has a right to know who they are and what may affect their decision making.



New **Ensure Representation with Automatic Removal for Non-Attendance**

A little known, rarely used, and politically sensitive section of the New York City Charter §2800(b) authorizes a Borough President or a Community Board by majority vote to remove members for “substantial nonattendance at board or committee meetings over a period of six months.” The Commission should amend this section by setting an objective percentage of board and committee meetings that each board member must attend in a given six-month period and that, if such percentage is not met or surpassed, the member is automatically removed from the community board.

Although serving on a community board is a voluntary position, board members are carrying out the peoples’ business and it is reasonable to demand of members that they be present to fulfill their duties. In my four and a half years on the City Council I have removed several individuals from Community Board 8 Manhattan for substantial nonattendance. It is a difficult decision, one that was often met with political attacks, but it is still the right thing to do. Fortunately, since the decision to remove members for non-attendance was announced and my emphasis during applicant interviews that attendance will weigh heavily when considering a reappointment, several members have stepped up their attendance while others have admitted poor attendance and made their own decision to not seek reappointment, opening spots for members able to devote the time required.

With community boards, council members, and borough presidents unlikely or unwilling to use the existing Charter powers to remove members with poor attendance, providing automatic removal for failure to attend will finally require attendance among board members and improve representation for their community.

New **Prohibit the Appointment of Partisan Party Officials or Lobbyists**

Vibrant boards must represent communities instead of political parties, elected officials, or those with financial interests before the board. To that end, members of the executive boards of political parties, the staff of elected officials, elected positions such as district leader and state committee members, political club presidents, and individuals with a candidate committee or political action committee (PAC) must be prohibited from serving on community boards, where their influence would only distract from the boards’ mission.

This has been the practice on Staten Island since 2007 with Borough President James Oddo continuing the policy of his predecessor, James Molinaro, of barring individuals who for State Island elected officials or serve on the executive committee of borough political parties from serving on community boards. The Commission should make this standard practice across the City.



Land Use Powers for Community Boards and Borough Presidents

On [November 4, 1975](#), voters approved changes to the City Charter requiring “applications by any person or agency respecting the use, development, or improvement of real property subject to city regulation shall be reviewed pursuant to a uniform review procedure.” Following Department of City Planning (DCP) certification, the affected Community Board has 60 days to notify the public, hold a hearing, and submit recommendations to the City Planning Commission (CPC) and borough president. However, the recommendations are not binding and are too easily ignored by decision makers. The City should empower its most local form of government to have a greater role in reviewing significant land use changes to their neighborhoods. This means requiring community-driven land use proposals like 197-a plans to be taken seriously. Going further, Community Boards should be empowered to, jointly with their council member(s) and/or borough president, initiate a ULURP.

Greater powers in the land use process, which must include the binding power to veto or initiate a ULURP, will give Community Boards the voice they deserve. But that power is useless without the expertise to properly use it. As we seek to empower community boards with additional powers, we must also provide professional expertise and training so our board members have a better understanding of their power and are more likely to wield it responsibly.

New **Binding Land Use Power to Initiate or Veto ULURP**

To create a 197-a plan requires intense dedication over many years and comes at considerable cost. When completed, the City should recognize these efforts by Community Boards to improve their neighborhoods by adopting the plans and taking measurable steps to act on them. It is telling that only 13 [197-a plans](#) from 12 community boards have been adopted since 1992, the last of which in December 2009. Given the cost of producing these plans, the amount of time it takes for adoption, and the City’s history of ignoring the plans in whole or in part, it is no wonder our community boards have all but ceased producing them. 197-a plans should be binding and CPC and DCP should be required to take measurable steps to achieve the recommendations of each plan and refer to the desires expressed by a community board in a 197-a plan when making land use decisions.

Allow Community Boards to, jointly with borough presidents and council member(s), initiate a land use action like a rezoning through ULURP. Once an item like a rezoning is proposed, the DCP should dedicate urban planners to the project to produce the Environmental Impact Statement (EIS) and other materials and, within six months, respond with all pre-application materials.

A combined “no” vote by a Community Board, Borough Board, and Borough President should have a binding effect and stop a project from moving forward. No projects should be approved against such overwhelming community opposition.



Support **Urban Planners for Every Community Board**

On April 30, 2015, I chaired a [hearing](#) of the Committee on Governmental Operations to discuss Introductions 585-2014 and 732-2015, related to term limits for community board members and the availability of urban planning professionals to community boards, respectively.

At this hearing it was suggested by a minority of attendees that not all community boards have need of urban planners. To me, this view represents unfamiliarity with the issues community board face. Even absent a rezoning, there is a never-ending flow of ULURP and Board of Standards and Appeals (BSA) applications to review. Absent even those, planners can devote resources to studying how a community district can grow while planning for future need, how urban planning can positively affect public safety issues and community violence, and how to preserve business ownership and encourage new business and development in blighted areas.

Urban planning professionals are not just vital to help community boards address current issues; their expertise can assist boards in planning for the future.

Support **Office of Community Planning**

Establish an Office of Community Planning to provide technical expertise, resources, and guidance to Community Boards and neighborhood organizations to encourage greater involvement in often-complicated land use decisions and foster collaboration among the 59 community boards. Community Board members and District Managers have expressed frustration with the Department of City Planning for ignoring their recommendations on land use items. Further, ULURP requests originating from Community Boards and even existing applications have gone unanswered. An Office of Community Planning should answer to Community Boards and Borough Boards, not the Mayor, and provide the independent counsel, land use and environmental staffing and resources necessary for Community Boards to move forward on community initiated and led rezonings through ULURP.

Support **Member Training**

While we should make available whatever professional expertise is necessary for a community board to carry out its charter-mandated responsibilities, we must also ensure that each member receives specific training in the major issue areas that will come before a board. All members should, within six months of their appointment, be required to attend trainings on conflicts of interest, city budget, and land use, including land marks, Board of Standards and Appeals, and ULURP. Should a board member fail to complete any of these trainings in the time allotted, they should be automatically removed from their position to ensure everyone on the board has the minimal expertise they need to represent to adequately their community.



Boundaries

Oppose **District Boundaries**

Community districts encompass geographic boundaries without regard to population and this should not change. Geography determines much about a community and the current boundaries of the 59 community districts should be maintained.

It was suggested to this Commission that community districts should be coterminous with political districts in order to streamline services. Community Boards are strengthened by boundaries which overlap with multiple Council Members, Assembly Members, and State Senators. The more elected officials who are known to and involved with a community board the more power a board has to affect change. Overlapping boundaries fosters collaboration among the elected representatives and allows boards the opportunity to have more elected representation fighting on their behalf. If one or more representatives disagree with the board's position, others might agree and partner with the board to advance the issue.

While some may view my representation of less than a dozen blocks of Manhattan's Community Board 6 (CB6M) as unnecessary, had I not shared representation with CB6M, a first-of-its-kind neighborhood rezoning to protect the community from thousand-foot supertall, ultra-luxury towers would not have happened, and "as of right" abuse of zoning would have continued.

Lastly, political districts are governed by the United States Constitution's mandate for "one person, one vote," often drawing districts that include a block here and carve out one block there for the sake of ensuring nearly equal population in each district. I cannot imagine someone being told their block is no longer on the Upper East Side, let alone their interests being any different due to an arbitrary political boundary.

Conclusion

How we fund our elections determines how our legislators decide on every issue. If we continue to allow high dollar, special interest money to control our elections, we will continue to elect people whose allegiance, real or perceived, is to their donors, not their constituents. From citywide issues like affordable housing and paid sick leave to hyper-local issues like BSA applications and sidewalk cafes, the financing of elections has an impact.

I view this opportunity as one to restore faith in government. This commission was created to address intractable issues for which half measures have not resulted in a better city. So I urge this commission to be bold. If we present to the voters a plan to empower themselves and their neighbors, I have an unshakeable confidence they will vote yes and the result will be a fairer, better City that works for all.