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THE COUNCIL OF THE CITY OF NEW YORK



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COMMITTEE REPORT OF THE

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

Hon. Keith Powers, Chairperson

September 7, 2022

Committee Room at City Hall

New York, NY

Preconsidered M.

Communication from the Mayor – Submitting the name of **Gail Benjamin** to the Council for its advice and consent regarding her appointment to the City Planning Commission, pursuant to Sections 31 and 192 of the City Charter.

Preconsidered M.

Communication from the Mayor - Submitting the name of **Anthony Crowell** for appointment as a member of the New York City Planning Commission pursuant to Section 192 of the New York City Charter.

Preconsidered M.

Communication from the Mayor – Submitting the name of **Sarah Carroll** for its advice and consent regarding her re-appointment as Chair of the Landmarks Preservation Commission, pursuant to Sections 31 and 3020 of the City Charter.

Preconsidered M.

Communication from the Mayor - Submitting the name of **Milton L. Williams** to the Council for its advice and consent concerning his appointment to the New York City Conflicts of Interest Board, pursuant to Section 2602 of the New York City Charter.

Preconsidered M.

Communication from the Mayor - Submitting the name of **Elisa Velazquez** to the Council for its advice and consent regarding her appointment as a member of the New York City Taxi and Limousine Commission, pursuant to Sections 31 and 2301 of the City Charter.

Topic I: **New York City Planning Commission – (Candidates for appointment by the Mayor upon the advice and consent of the Council)**

- **Gail Benjamin [Preconsidered M-__]**
- **Anthony Crowell [Preconsidered M-__]**

Pursuant to the *New York City Charter* (“*Charter*”) §192, there shall be a thirteen-member City Planning Commission, with seven appointments made by the Mayor (including the Chair), one by the Public Advocate, and one by each Borough President. [*Charter* §192(a)] All members, except the Chair, are subject to the advice and consent of the Council. [*Charter* §192(a)] Further, the *Charter* states that members are to be chosen for their independence, integrity, and civic commitment. [*Charter* §192(a)]

The *Charter* provides that CPC members shall serve for staggered five-year terms, except for the Chair, who as Director of the Department of City Planning (*Charter* §191), serves at the pleasure of the Mayor. [*Charter* §192(a)]

For purposes of Chapter 68 of the *Charter* (Conflicts of Interest), CPC members, other than the Chair, shall not be considered regular employees of the City. [*Charter* §192(b)]

There is no limitation on the number of terms a CPC member may serve. [*Charter* §192(a)] CPC members are prohibited from holding any other City office while they serve on the CPC. [*Charter* §192(b)] The Chair receives an annual salary of \$222,326.00. The member who is designated as Vice-Chair receives an annual salary of \$73,855.00. The other members receive an annual salary of \$64,224.00.

CPC is responsible for the following:

- CPC must engage in planning focused on the City’s orderly growth, improvement, and future development, which includes consideration of appropriate resources for housing, business, industry, recreation, and culture. [*Charter* §192(d)];

- CPC assists the Mayor and other officials in developing the ten-year capital strategy, the four-year capital program, as well as the annual *Statement of Needs*. [Charter §192(f)];
- CPC oversees and coordinates environmental reviews under the *City Environmental Quality Review* (“CEQR”), as mandated by state law (*Environmental Conservation Law* – Article 8). [Charter §192(e)]; and
- CPC must review, and either approve or deny, any City proposal involving the City’s request to make acquisitions for office space and any requests for existing buildings for office use. [Charter §195]

CPC is also responsible for promulgating various rules, some of which consists of the following:

- It is CPC’s responsibility to establish minimum standards for certifying the *Uniform Land Use and Review Procedure* (“ULURP”) applications, which includes providing specific time periods for pre-certification review. [Charter §197-c (i)];
- The criteria associated with the selection of sites for capital projects is also established by CPC. [Charter §218 (a)];
- CPC establishes the minimum standards for the form and content of plans for the development of the City and boroughs. [Charter §197-a (b)]; and
- CPC also adopts rules that either list major concessions or establishes a procedure for determining whether a concession is defined as a *major concession*, as it relates to the act of City Agencies granting concessions. [Charter §374 (b)].

If appointed to the CPC by the Mayor, Ms. Benjamin, a resident of Manhattan, will serve the remainder of a five-year term that expires on June 30, 2025. A copy of the candidate’s résumé as well as the related associated message is attached to this briefing paper.

If appointed to the CPC by the Mayor, Mr. Anthony Crowell, a resident of Brooklyn, will serve the remainder of a five-year term that expires on June 30, 2024. A copy of the candidate’s résumé as well as the related associated message is attached to this briefing paper.

Topic II: New York City Conflicts of Interest Board (Candidate for appointment by the Mayor with the advice and consent of the City Council)

- **Milton Williams [Preconsidered M-___]**

The New York City Conflicts of Interest Board (COIB) promulgates rules as necessary to implement and interpret the provisions of Chapter 68 of the New York City Charter, Conflicts of Interest (Chapter 68). COIB is required to inform public servants and City employees of Chapter

68 and other related interpretive rules. COIB is furthermore required to administer an on-going program to educate public servants on Chapter 68.

COIB shall also provide training to all individuals who become public servants, to inform them of Chapter 68 and assist City agencies in conducting on-going training programs regarding Chapter 68.

COIB is also authorized to hear and decide violations of Chapter 68, impose fines of up to \$25,000 per violation and recommend penalties, including suspensions or removal from office, to the appointing authority or the body charged with the responsibility of imposing such penalties, where COIB deems it appropriate.

COIB is moreover required to issue and publish advisory opinions regarding matters covered under Chapter 68 that address proposed future conduct. COIB is furthermore required to issue report of the board, annually. COIB's mandate covers the Council as well as mayoral agency employees. COIB also collects and reviews financial disclosure reports.¹

COIB consists of five members: Three appointed by the Mayor; one appointed by the New York City Comptroller; and one appointed by the New York City Public Advocate. All five appointments are subject to the advice and consent of the City Council. The mayor must also designate one of these members as the Chair. COIB members serve a six (6) year term. COIB members are prohibited from serving more than two consecutive six-year terms.² Two members of COIB constitute a quorum and all actions of COIB must be by the affirmative vote of at least two members.³

COIB members are mandated to meet at least once per month. The *Charter* states that these members should be chosen for their "independence, integrity, civic commitment and high ethical standards. Members are prohibited from holding public office, seeking election to any public office, being a public employee in any jurisdiction, holding political party office, or appearing as a lobbyist before the city."⁴

COIB members are compensated on a per diem basis, for each calendar day, when performing work for COIB. Pursuant to Chapter 68, the compensation shall be no less than the highest amount paid to an official appointed to a board or commission, with the advice and consent of the Council.

The mayor has the authority to remove COIB members for substantial neglect of duty, gross misconduct of office, inability to discharge powers or duties of the office or violation of this section, following written notice of such removal and an opportunity for the member to reply.⁵

Pursuant to the *Charter*, COIB is authorized to appoint a Counsel to serve at its pleasure

¹ *Charter* §§ 2602 and 2603.

² *Charter* § 2602(c).

³ *Charter* § 2602 (h)

⁴ *Charter* § 2602(b).

⁵ *Charter* § 2602(f).

and employ or retain other such officers, employees and consultants as are necessary to exercise its powers and fulfill its obligations. The authority of the Counsel may be defined in writing, provided that neither the Counsel, nor any other officer, employee or consultant of COIB, shall be authorized to issue advisory opinions, promulgate rules, issue subpoenas, issue final determinations concerning violations of Chapter 68 of the *Charter*, or recommend or impose penalties. Also, COIB may, and has, delegated its authority to issue advisory opinions under *Charter* § 2604(e) to its Chair [*Charter* § 2602(g), and as per COIB's Executive Director].

If appointed to COIB by the Mayor, Mr. Williams will serve the remainder of a six-year term that expires on March 31, 2024. A copy of the candidate's résumé as well as the related associated message is attached to this briefing paper.

Topic III: New York City Taxi and Limousine Commission – (Candidate for appointment by the Mayor upon the advice and consent of the Council)

- **Elisa Velazquez [Preconsidered M-__]**

The TLC was created pursuant to Local Law 12 of 1971 in Chapter 65 of the Charter. Section 2300 of the *Charter* provides that there shall be a TLC, which shall have the purpose of further developing and improving the taxi and limousine service in the City. The purpose of the TLC shall also remain consistent with the promotion and protection of the public comfort and convenience, adopting and establishing an overall public transportation policy governing taxi, coach, limousine, and wheelchair accessible van services, as it relates to the overall public transportation network of the City. The TLC shall also be responsible for establishing certain rates, standards, and criteria for the licensing of vehicles, drivers, chauffeurs, owners, and operators engaged in such services. The TLC also authorizes individuals who wish to operate commuter van services within the City.

The TLC consists of nine members appointed by the Mayor, all subject to the advice and consent of the Council. Five of said members must be a resident from each of the five boroughs of the City, and are recommended for appointment by a majority vote of the Council Members from the respective borough. TLC members are appointed for seven year terms, and can serve until the appointment and qualification of a successor. Vacancies, other than those that occur due to an expiration of a term, shall be filled for the unexpired term. The mayor may remove any such member for cause, upon stated charges.

The mayor designates one TLC member to act as the Chairperson and Chief Executive Officer. The Chairperson shall have be in-charge of the organization of his/her office, and possesses the authority to employ, assign, and superintend the duties of such officers and employees, as may be necessary to carry out the provisions of Chapter 65 of the *Charter*. The *Charter* provides that the Chairperson shall devote his/her full time to this position and as such, the Chair will receive compensation that is set by the Mayor. The Chair currently receives an annual salary of \$243,171.00. The other TLC members are not entitled to compensation.

Pursuant to the *Charter*, all TLC proceedings and all documents and records in its possession, shall be public records. Furthermore, the TLC is required to make an annual report to the Council, on or before the second Monday of January, of every year, concerning information that consists of the following; complaints received by the commission from the public, including, but is not limited to, complaints of overcharging, as well as enforcement actions undertaken by the commission, whether the enforcement action was dismissed or settled, or if a penalty was imposed by the commission on the subject of the enforcement action. The information regarding enforcement actions shall also include, but is not limited to; enforcement action relating to illegal street hails, unlicensed vehicles, overcharging, and toll lane infractions.

If Ms. Velazquez, a resident of the borough of Queens, is appointed as a member of the TLC by the Mayor, she will serve the remainder of a seven-year term that will expire on January 31, 2026. A copy of the candidate's résumé as well as the related associated message is attached to this briefing paper.

Topic IV: Landmarks Preservation Commission – (Candidate for re-appointment as Chair by the Mayor upon the advice and consent of the Council)

- Sarah Carroll [Preconsidered M-__]

Pursuant to the *New York City Charter* (“*Charter*”) § 3020, the New York City Landmarks Preservation Commission (“LPC”) is responsible for establishing and regulating landmarks, portions of landmarks, landmark sites, interior landmarks, scenic landmarks, and historic districts. The LPC also regulates alterations to designated buildings.

The LPC consists of eleven (11) members. The membership of this commission must include at least three architects, one historian qualified in the field, one city planner or landscape architect, and one realtor; and shall include at least one resident from each of the five boroughs. The mayor appoints the members of the LPC with the advice and consent of the Council. When appointing a member of this commission, who must be an architect, historian, city planner, or landscape architect; the mayor may consult with the Fine Arts Federation of New York or any other similar organization, in the course of making this appointment. These members are appointed for staggered three-year terms. Each member continues to serve as a commissioner until his or her successor is appointed and qualified. The mayor also designates one of the members to serve as Chair of the LPC, and designates another member to serve as Vice Chair of the LPC. These members of the LPC shall serve until a successor is designated. The members of the LPC, with the exception of the Chair, serve without compensation, but are reimbursed for necessary expenses incurred in the course of performing their duties. The current Chair's salary is \$223,319.00.

The LPC must appoint a full-time executive director, to perform duties of the LPC. The LPC may also employ technical experts and other employees, necessary to perform its duties, within the appropriations therefor.

As enumerated in the *Charter*, the LPC is required to provide opportunities for comment

in advance of any hearing, regarding a proposed landmark designation, landmark site, interior landmark, scenic landmark, or historic district. Notices of proposed designations must be sent to the New York City Planning Commission (“CPC”), all affected Community Boards, and the Office of the Borough President, whose borough, which the property or district is located.

The LPC also has a duty to provide certain notices to the New York City Council (“the Council”). The LPC is required to file a copy of any designation with the Council and the CPC, within ten days of making the designation. Furthermore, within 60 days after such filing, CPC must hold a public hearing on any such designation of a historic district and must submit a report to the Council, with respect to the relation of any such designation to the *Zoning Resolution*, projected public improvements, and any plans for the development, growth, improvement or renewal of the area involved, whether it relates to the designation of a historic district or a landmark. The CPC must include in this report, its recommendation, if any, for the Council’s action with respect to the historic district designation.

The Council may modify or disapprove of any LPC designation by a majority vote, within 120 days, from date that a copy of such designation is filed with the Council, provided that either CPC has submitted the required report on the designation or at least sixty days has elapsed since the filing of the designation with the Council. The Council’s vote shall be filed with the mayor by the Council. The mayor has five days following the filing of the Council’s vote to disapprove of the Council’s action. If the mayor fails to disapprove of the Council’s action during this time, the Council’s action becomes final. If the mayor disapproves of the Council’s action, the mayor must file his/her disapproval, with the Council. Thereafter, the Council may choose to override the mayor’s disapproval, within ten days of the filing of the mayor’s disapproval, with a two-thirds vote of the Council.

In addition to the designation of landmarks, pursuant to *Administrative Code* § 25-303(i), the LPC also has the ability to make recommendations to the CPC, at any time, regarding amendments to the provisions in the *Zoning Resolution*, which are applicable to improvements in the historic districts. Moreover, pursuant to *Administrative Code* § 25-307, the LPC is also responsible for determining whether a proposed alteration or demolition, affecting a landmark, is consistent with the *Landmarks Preservation and Historic Districts* chapter of the *Administrative Code*. In instances where the LPC determines that the proposed change complies with the *Code*, it may grant a *Certificate of Appropriateness*. Otherwise, LPC may deny the applicant’s request.

A Hardship Appeals Panel also exists, which consisting of five members, whom are also appointed by the mayor, with the Council’s advice and consent. This panel operates independently of the LPC and reviews appeals from LPC determinations denying applications for *Certificates of Appropriateness*, on the grounds of hardship, to demolish, alter, or reconstruct improvements. However, this panel only has the power to review applications involving tax-exempt properties.

If re-appointed to the as Chair of the LPC, Ms. Carroll, a resident of the Borough of Queens, will serve the remainder of a three-year term that expires on June 28, 2025. A copy of the candidate’s résumé as well as the related associated message is attached to this briefing paper.