

Print. 2034, 4164

Intro. 1979

IN SENATE

January 28, 1964

Introduced by Mr. MITCHELL—read twice and ordered printed, and when printed to be committed to the Committee on Affairs of Cities—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 city charter commissions

Notes _____

Compared by Hazeltine, McQuinn, McQuinn
Frederick

APPROVED

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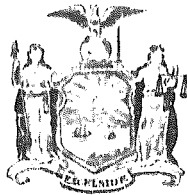
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Citizens Union
League of Women Voters (State)
" " " " (City)

Mr. Mitchell
Community Service Society

Mr. Hill
Surrogate
City Clerk



STATE OF NEW YORK
DEPARTMENT OF LAW
ALBANY

LOUIS J. LEFKOWITZ
ATTORNEY GENERAL

MEMORANDUM FOR THE GOVERNOR

Re: Senate Int. 1979, Pr. 4164

This bill would make a number of revisions to the Municipal Home Rule Law in regard to City Charter Commissions. The principal changes are as follows:

1. A Commission may now be appointed to revise an existing charter as well as propose a new one.
2. Changes are made in the expiration date of a Charter Commission so as to provide that if a proposal is not submitted to the electorate by the date of the second general election after the appointment of the Commission, the same will automatically expire.
3. Formation of a Charter Commission by petition may now be done either by 15 per cent of the electorate or 45,000 signatures, whichever is the lesser.
4. A question may not be submitted by the local legislative body for 60 days after the Charter Commission is dissolved except at a general election.
5. Where two conflicting questions are submitted to the voters at the same election, the one receiving the largest number of votes shall be adopted.
6. A Commission may be established by the Mayor in addition to the present provisions for the appointment of a Commission by petition and by the legislative body of the city.

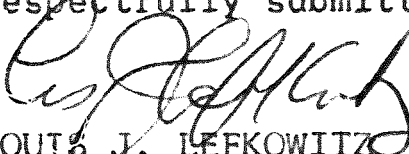
In addition to the above changes, a number of technical amendments are made and conflicting material removed.

The act shall take effect January 1, 1965 and shall apply to City Charter Commissions theretofore created under Section 20 of the former City Home Rule Law or Section 36 of the Municipal Home Rule Law which is in existence on January 1, 1965.

I find no legal objection to the bill.

Dated: April 16, 1964

Respectfully submitted,



LOUIS J. LEFKOWITZ
Attorney General

SENATE

Introduced by:

ASSEMBLY

Pr: 4164

Mr. Mitchell

Pr:

Int: 1979

Int:

Law: Municipal Home Rule

Sections: 36

Division of the Budget recommendation on the above bill:

Approve: X Veto: _____ No Objection: _____ No Recommendation: _____

1. Subject and Purpose: To authorize charter commissions of cities to draft revised as well as new city charters.

2. Summary of provisions:

(a) Present law permits creation of charter commissions to draft new city charters. This bill would authorize creation of charter commissions to revise city charters.

(b) The bill would permit two or more proposals for establishing such a commission at the same election, in which case the proposal receiving the largest number of affirmative votes would be deemed adopted.

(c) Petitions to initiate creation of a charter commission now require a number of signatures equal to at least 15 per cent of the number of votes cast in the last gubernatorial election. This bill would make valid a petition with 45,000 signatures, if that were less.

(d) The bill makes certain changes in procedure and presentation of proposals to the electorate by the commission and provides for the dissolution of the commission after two years if no proposals are submitted to vote.

(e) This act would take effect January 1, 1965 and would apply to any charter commission created under section 20 of the former City Home Rule Law or any charter commission created or to be created pursuant to section 36 of the Municipal Home Rule Law.

3. Prior legislative history: The Municipal Home Rule Law became effective January 1, 1964. Section 36 follows generally the provisions of Section 20 of the City Home Rule Law. A bill substantially similar to the present bill (Senate Intro. 3102, Print 4504) was passed in 1963 to amend Section 20 of the City Home Rule Law. This office approved of that bill. It was vetoed because of its possible effect on existing charter commissions which were nearing completion of their tasks.

4. Arguments in support:

(a) Under existing law, amendments to a city charter may be initiated by petition of the voters, but not by charter commissions,

Date: _____ Examiner: _____

Disposition:

Chapter No:

Veto No.

which are charged with the task of presenting a new charter. The complexity and interrelationships of the provisions of many city charters make it desirable to have a formal group study and draft such amendments if the change is at all extensive.

(b) Existing law, which requires that the petition to establish a charter commission contain a number of signatures equal to at least 15 per cent of the number of votes cast in the last gubernatorial election, seems an undesirable obstacle to charter revision, particularly in larger cities. This bill's requirement of 45,000 signatures is more reasonable.

5. Possible objections: None known.
6. Other State agencies interested: Department of Audit and Control. Office for Local Government is in favor of the bill.
7. Known position of others: Representatives of the Citizens Union and the Conference of Mayors participated in the drafting of this bill.
8. Budget implications: None.
9. Recommendation: This bill appears to provide a workable method of amending city charters and should be approved.

Date: April 10, 1964

Examiner: T.M. Hand
Sally Swartzmiller
Sally Swartzmiller

Disposition:

SWS:cn



JOHN J. BURNS
COMMISSIONER
MILTON ALPERT
COUNSEL

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EXECUTIVE DEPARTMENT
OFFICE FOR LOCAL GOVERNMENT
155 WASHINGTON AVENUE
ALBANY 10, N. Y.

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Honorable Sol Neil Corbin
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York

April 10, 1964

S. Intro. 1979, Pr. 4164,
by Mr. Mitchell

Dear Mr. Corbin:

This bill amends Municipal Home Rule Law, § 36, which relates to the creation, organization and operations of city charter commissions and the referenda upon their recommendations.

This bill is an improved version of last year's bill (1963 S. Intro. 3102, Pr. 4504), which was vetoed essentially because of its application to then operating city charter commissions (1963 Veto Memorandum No. 196). In such Veto Memorandum, the Governor suggested that the sponsors confer with this Office in an effort to prepare an appropriate measure. This was done and the instant bill is the net result thereof. A copy of our last year's memorandum and of Veto Memorandum No. 196 are attached hereto.

Our comments concerning this bill follow:-

1. In general, the language of the law is improved and made more specific and definite. The procedures for creating and organizing commissions are similarly improved and clarified.

2. The 15 per cent signature requirement for the creation of a charter commission on initiative and referendum is modified so that, as an alternative to the 15 per cent requirement, not to exceed 45,000 signatures shall in

any event be required (bill, page 3, lines 6--7). This should be compared with the 10 and 5 per cent requirements and the 30,000 and 15,000 signature maxima in Municipal Home Rule Law, § 37(2) and (7). (See, also, New York City Charter, § 42, subd. 2(c)).

3. There is a specific requirement that a charter commission created under section 36 shall review the entire charter of the city and then determine whether to draft a new or a revised charter or to propose only amendments to the existing charter. In the latter event, a report would be required explaining why remaining parts of the charter were not revised. By providing a general period of time for a charter commission to complete its work and make its recommendations (bill, page 6, lines 5--9), the bill, in effect, provides more time for a charter commission appointed by a mayor to do its work (cf. bill, page 11, lines 17--21).

4. The bill proposes a solution to the very difficult problem of possible competition, among charter commissions, the local legislative body and proposals under initiative and referendum pursuant to section 37, relating to charter revision and other related subjects. At the present time, a commission appointed by a mayor has a right-of-way and is free from competition (bill, page 12, lines 12--27); page 13, lines 1--3). The solution offered in this bill is to permit charter commissions to compete among themselves (bill, page 8, lines 2--18), but to prevent competition from the local legislative body (bill, page 9, lines 14--17), and to postpone for a year action on proposals by initiative and referendum under section 37 (bill, page 9, lines 18--25).

5. The bill makes available to all charter commissions created under section 36 the powers which were recently given only to commissions created by mayors (bill, pages 10, 11 and 12).

Hon. Sol Neil Corbin
Page 2
April 10, 1964

Re: S. Intro. 1979,
Pr. 4164

6. It is noted that the substance of the current language relating to the creation of charter commissions by mayors (bill, page 8, lines 22--27; page 9, lines 1--13) is transferred to page 4, lines 22--27 and page 5, lines 1--5.

7. The bill would take effect January 1, 1965 and, therefore, its amendments would not be applicable, during 1964, to any charter commission created pursuant to section 36 or its predecessor section, City Home Rule Law, § 20, but such amendments would become applicable, on and after such date, to charter commissions then in existence (including those theretofore created) as well as to commissions created after such date.

The Local Government Advisory Board believes that the bill represents a considerable improvement over that of last year so far as language is concerned and so far as dealing with the difficult problem of competition among charter commissions created pursuant to section 36. Furthermore, the effective date of the bill is such that it will not apply to current charter commissions until January 1, 1965 and thus will not interfere with or adversely affect current work and plans under the present law. Accordingly, the Board recommends that this bill be approved.

Very sincerely,

FOR THE
LOCAL GOVERNMENT ADVISORY BOARD

BY: 

MILTON ALPERT

MA:DM
ENCLS. (2)

ROBERT L. MC MANUS, PRESS SECRETARY TO THE GOVERNOR

STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY

April 30, 1963

MEMORANDUM filed with Senate Bill, Introductory Number 3102,

Print Number 4504, entitled:

#196

"AN ACT to amend the city home rule law,
in relation to city charter
commissions"

N O T A P P R O V E D

This bill would revise Section 20 of the City Home Rule Law which relates to the adoption and amendment of city charters.

Although many of the changes are technical in nature and would serve to improve the operation of Section 20, I am constrained to withhold my approval at this time. In its present form the bill would take effect immediately and would apply to presently existing charter commissions as well as those to be created in the future. Thus the effects of this bill upon a number of charter commissions which are presently functioning throughout the State, several of which are nearing completion of their tasks, is unclear. It is hoped that in the coming days the sponsors of this bill will confer with the Office for Local Government in an effort to prepare an appropriate measure.

The Office for Local Government and the Mayor of the City of New York recommend disapproval.

The bill is disapproved.

(Signed) NELSON A. ROCKEFELLER

State of New York
Executive Department
OFFICE FOR LOCAL GOVERNMENT
195 Washington Avenue
Albany 19, N.Y.

VETO #196

Honorable Sol Roll Corbin
Counsel to the Governor
Executive Chamber
State Capitol
Albany 1, New York

April 25, 1963

Re: S. Intro. 3152, Pt. 4504,
By Mr. Mitchell

Dear Mr. Corbin:

This bill revises City Home Rule Law, § 20, which relates to the creation, operations and submission to the voters of charters prepared by city charter commissions.

Our comments concerning this bill follow:

1. The language is expanded to empower charter commissions to prepare amendments to an existing charter instead of only to prepare a new charter. This is consistent with the scope of the initiative and referendum procedure under City Home Rule Law, § 19-a. The charter commission itself would determine which course it would follow (Bill, page 5, lines 17--18).

2. It would liberalize the requirements as to election of elective members of city charter commissions (Bill, page 2, lines 19--22; page 4, lines 25--26). This change would provide more flexibility as to the time when elective members are to be elected.

3. A maximum of 45,000 signatures is provided where there is a petition for a referendum on the question of the creation of a charter commission (Bill, page 3, line 13). This change is consistent with the maximum total of signatures required under section 19-a for a referendum on a charter or charter amendments proposed by

Initiative (see section 10-a, subdivisions 1 and 6). This figure is compared with the 50,000 total in New York City Charter, § 42 -- formerly § 44).

4. As section 20 now reads, the provisions of subdivision 4 control as against the other provisions of the section. In this bill, this controlling effect to a charter commission appointed by a mayor is eliminated and all charter commissions however organized under section 20 are put on the same level. Generally, this produces a beneficial effect in that features relating to one type of charter commission are made applicable to all -- for example, a charter commission appointed by a mayor no longer must complete its work by August of the year in which it is appointed so that its proposals may be submitted to the voters at the General Election in the year in which it is appointed. It is enabled to submit its proposals to the voters at the second General Election after its creation and organization (Bill, page 6, lines 5--10; page 10, lines 9--14). This effect of making all provisions applicable to all types of commissions under section 20 is furthered by the elimination of repetitious parts of subdivision 4 (Bill, page 8, lines 14--27; page 9, lines 1--3; page 10, lines 20--27; all of page 11; and, page 12, lines 1--16) and by making some of the provisions of subdivision 4 generally applicable (Bill, page 9, lines 6--27; page 10, lines 1--19).

5. Special comment is made of the fact that as the law presently reads where a charter commission is appointed by a mayor there can be no other charter commission during the period nor can charter amendments be adopted by the local legislative body or even by petition. This is eliminated through the repeal of subdivision c of section 4 (Bill, pages 11--12). But, it makes possible the existence of competing charter commissions and their submission of competing charter proposals at the same General Election (Bill, page 7, lines 25--27; page 8, lines 1--3 -- particularly page 8, lines 1 & 2). It also permits the local legislative body to adopt charter amendments while a charter commission is functioning. There might have been greater

clarity if the word "submitted" was not used in both places on page 8, lines 1 & 2 -- it is not easy to understand this language which prohibits the submission of a question otherwise submitted.

6. It is assumed that the language at page 9, line 15, would empower either the mayor or the city manager in a city having both officers to direct city agencies and officers to cooperate with a city charter commission.

7. The current provisions in subdivision 4, which empower the mayor to mandate charter revision commission expenses on the city, have been generally adjusted to apply to all types of commissions so that commissions are required to apply to the legislative body for supporting appropriations and if the appropriations are not forthcoming, the mayor may authorize the incurring of liabilities and expenses against the city within the sum or sums requested (Bill, page 9, lines 19--27; page 10, lines 1 & 2). This seems to be a happy and reasonable solution to this difficult problem.

8. The effective date provision specifically states that the act shall apply to existing charter commissions. Thus, those created by mayors may continue another year, do not go out of existence on Election Day in November, 1963 and their existence would no longer preclude charter amendments by legislative bodies or the creation of a competing charter commission by the local legislative body or by initiative and referendum.

9. Finally, it should be noted that if this bill is approved, the changes made by it would be read into the proposed Municipal Home Rule Law (A. Intro. 5179, Pr. 5980), § 36. This would be by virtue of the savings clause in section 57 of such Municipal Home Rule Law. This Office would, of course, prepare a bill for the 1964 Legislature making appropriate adjustments in section 36.

Hon. Sol Weil Corbin
Page 4

April 25, 1963
Re: S. Intro. 3102, Pr. 4504

This bill was discussed by the Local Government Advisory Board at its meeting on April 25 and the Board came to the conclusion that the amendments do not deal adequately with the fundamental problem which now exists with respect to competition between proposed new charters or charter amendments that might be submitted to the voters by the local legislative body, by initiative and referendum, by a charter commission organized by the local legislative body, by a charter commission created as the result of initiative and referendum, or by a charter commission created by a mayor. Under the present state of the law, the mayor may upon the creation of a charter commission preclude submissions to the voters by any of the enumerated courses. But, where such a charter commission does not exist competition among proposals is possible.

The Board feels that an effort should be made to solve this difficulty under which voters can now be confused by submission of a variety of competing proposals to them. Accordingly, the Board recommends that this bill be disapproved in order that an effort may be made to resolve these difficulties. The Board expressed a desire to participate in such an undertaking in order that a workable solution might be developed.

Very sincerely,

FOR THE
LOCAL GOVERNMENT ADVISORY BOARD

BY:

MA:DM

MILTON ALPERT

The Association of the Bar
of the City of New York
42 West 44th Street
New York 36

Committee on State Legislation

Raymond I. Falls, Jr., Chairman
80 Pine Street
New York 5
Tel. WH 4-7400

H. Richard Schumacher, Secretary
80 Pine Street
New York 5
Tel. WH 4-7400

April 9, 1964

Re: S. Int. 1979, Pr. 2034, 4164 - Approved

Dear Mr. Corbin:

Answering your inquiry with respect to the above bill, we wish to inform you that we approve the measure.

The bill, to be effective January 1, 1965, would broadly revise Section 36 of the Municipal Home Rule Law which provides the mechanics for adoptions of new city charters proposed by a charter commission.

The bill would make it clear that charter revisions may be considered and effected as well as wholly new charters. The present law distinguishes between powers and procedures of charter commissions depending upon whether they were appointed by the mayor, or pursuant to local law, or by petition of registered voters in number equal to at least 15% of the total number of votes last cast for governor. The recasting, which eliminates any distinction between the types of charter commission based upon the method of creation of the commission, is salutary since no good reason appears for any such distinction.

Under the bill a petition for submission to the electors of a proposal for the creation of a commission could be submitted by a number of voters equal to 15% of the gubernatorial votes cast in the last preceding election, as under present law, or by 45,000 voters if that were a smaller number. While this number is low when the populace of a city such as New York is considered, we do not regard this amendment as requiring disapproval of the bill, particularly in the light of Section 37 which permits a minimum of 30,000 qualified electors to propose a new city charter or an amendment to the existing charter.

The amendment requires a charter commission, however created, to review the entire charter of the city. If the commission shall decide not to submit an entirely new charter, it may amend the existing charter and in its report to the public, it must refer specifically to the unchanged part and explain its decision to leave such part unchanged.

The term of a charter commission will now be two years rather than one year as formerly. While such a commission is in existence, the local legislative body may not submit to the electors any new proposals for a new or revised city charter or the appointment of a new commission, except at a general election.

If the charter commission submits a question or questions to be voted upon at a general election, no new charter or charter revisions submitted directly by petition of the voters pursuant to Section 37 may be voted upon at the same election. Such petition must, however, then be considered at the next election.

We note a typographical error in line 8 on page 8 of the bill where "not" should read "no".

We regard the bill as an improvement and clarification of existing law.

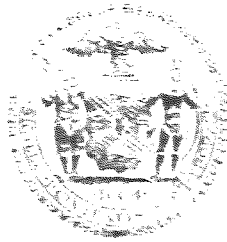
For the reasons stated, the bill is approved.

Sincerely yours,



Raymond L. Falls, Jr.
Chairman

Hon. Sol Neil Corbin
Executive Chamber
State Capitol
Albany 1, New York



S 1979

CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK 7, N.Y.

April 9, 1964

S-Mitchell I. 1979...Pr. 4164
AN ACT To amend the municipal home rule
law, in relation to city charter
commissions

Honorable Nelson A. Rockefeller
Governor of the State of New York
Albany, New York

Dear Governor:

I have received your request for my recommendation concerning the above bill, which is before you for executive action.

This bill would revise § 36 of the Municipal Home Rule Law which relates to the adoption and amendment of city charters.

The Corporation Counsel of the City of New York, in recommending disapproval of this bill, advises me as follows:

"The provisions of this bill which would authorize 45,000 voters (where that number is less than 15% of the number of votes cast in the city in the last gubernatorial election) to place on the ballot a proposition for creation of a commission to draft a new charter or revise an existing charter, would make it possible for splinter groups and small aggregations of dissidents to complicate and confuse the processes of charter revision, as well as the responsibilities of balloting on municipal issues generally, by constantly placing on the ballot propositions for the creation of charter commissions.

"Under the present provisions of § 36, the establishment of a charter commission cannot be initiated except (1) by action of public officials elected by a majority or plurality of the voters of a City or (2) by petition signed by voters constituting a substantial proportion of the electorate of the city. Thus, the members of the city's local legislative body, who may establish a charter commission by enacting a local law creating such commission or by enacting a local law submitting a proposal for establishment of a charter commission to referendum, are elected by majorities or pluralities of the electorates

of their respective constituencies. The mayor of a city, who is authorized to establish a charter commission when he deems such action advisable, is elected by a majority or plurality of the voters of the city. Moreover, voters constituting 15% of those who balloted in the city for governor during the last gubernatorial election, likewise constitute a substantial portion of the city's electorate.

"The total number of votes cast for governor in New York City in the 1962 gubernatorial election was 2,481,849. Under the present provisions of § 36, the signatures of voters numbering 15% of this figure, or about 372,000 electors, would be required to place on the ballot a proposition for the establishment of a charter commission in New York City. Under the provisions of this bill, 45,000 voters, representing only 1.8% of the governorship vote, could require such a proposition to be submitted to referendum.

"This bill would thus undermine the sound principle, now embodied in § 36, that the power to set in motion the process for the creation of a charter commission should be exercised only by those who act as representatives of an appreciable portion of a city's electorate."

Accordingly, it is requested that this bill be disapproved.

Very truly yours,

ROBERT F. WAGNER, Mayor

By

Edwin Margolis

CITIZENS UNION OF THE CITY OF NEW YORK

A UNION OF CITIZENS, WITHOUT REGARD TO PARTY, FOR THE PURPOSE OF SECURING THE
HONEST AND EFFICIENT GOVERNMENT OF THE CITY OF NEW YORK

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5 BEEKMAN ST., NEW YORK 38, N. Y.

TELEPHONE BARGLAY 7-0948



April 1, 1964

Hon. Sol Neil Corbin
Counsel to the Governor

Re: Senate Int. 1979, Pr. 4164
By Senator Mitchell

Dear Sol:

This is a comprehensive revision of the state's provisions for city charter commissions. A fairly complete memorandum on it which I prepared for use during the legislative session is enclosed.

This is a Citizens Union program bill on which we have been working ever since we secured the enactment of a corresponding revision of the city charter initiative provisions in 1957. At most sessions since then it has made some progress and several times we seemed to be on the point of securing enactment, but complications - mostly connected with New York City charter revision - always intervened. Last year the corresponding bill passed both houses unanimously and was vetoed, as you know, because of a particular situation in Yonkers but with a friendly message suggesting that the sponsors work out a revision for this year with the Office for Local Government. This bill is the result of such consultation and I think it is slightly better than last year's bill.

When the bill came up for a vote last week in the Assembly, it was at first narrowly defeated (73 for to 72 against) because of an unexpected objection from the Corporation Counsel of New York City. The next day, after extensive discussions with key legislators and others, it first passed the Senate unanimously and then passed the Assembly with only one dissenting vote. The Corporation Counsel's objection, which was to the number of signatures which would be sufficient to get a vote on a proposal to set up a charter commission, is fully answered on page 3 of the enclosed memorandum.

We very much hope that the bill will be signed. If it is, it should be one of the really important accomplishments of the session.

Cordially,

17

George Hallett
George Hallett

Executive Secretary and Legislative Representative

MEMORANDUM IN SUPPORT OF
Senate Intro. 1979, Print 4164, Mitchell
Assembly Intro. 4504, Print 5786, Savarese

This is a comprehensive revision of the city charter commission provisions of the Municipal Home Rule Law.

It is generally similar to a revision of the corresponding provisions of the old City Home Rule Law contained in Senate Intro. 3102, Print 4504, of the 1963 session, which passed both houses unanimously and was vetoed by the Governor with a friendly message. "Although many of the changes....would serve to improve the operation of Section 20," the Governor said, "....the effects of this bill upon a number of charter commissions which are presently functioning throughout the State....is unclear. It is hoped that in the coming days the sponsors of this bill will confer with the Office for Local Government in an effort to prepare an appropriate measure."

This year's bill is the product of such consultation, not only with the Office for Local Government but with representatives of the Conference of Mayors, who all expressed satisfaction with the present print.

The bill avoids complications with any Mayor-created city charter commission by taking effect January 1, 1965, a date when no such commission could be in existence under present law. Its effect on any other charter commissions which might be working on that date would be largely to give them greater powers and more freedom of action.

The bill would enact certain desirable powers and obligations for all city charter commissions, however created:

1. It would put the same time limit on all charter commissions, requiring them to complete their work in time for submission not later than the second general election after the commissions' creation. At present there is no time limit on a charter commission set up by local law without referendum, and Mayor-created charter commissions have too short a time to do a workmanlike job in most situations, being required to file their proposals by early August of the year in which they are created.

2. While requiring any commission to review the whole charter of a city, so that the ponderous machinery of a charter commission would not be used for limited objectives, the bill would permit a commission to submit its revision in the form of one or more amendments to the existing charter instead of a whole new charter as now required. The commission could leave a part of the

existing charter unchanged, explaining why it did so.

3. Several provisions now specified only for Mayor-created charter commissions would be extended to all charter commissions:

- a. The obligation of members of a commission to serve without compensation except for necessary expenses.
- b. The right to appoint and compensate staff and consultants.
- c. Required cooperation of city officers and agencies.
- d. The obligation of appropriating authorities to provide for necessary expenses, with the Mayor empowered to mandate necessary financing if they fail to provide it.
- e. The right of public officers and employees to serve charter commissions as members, employees or consultants without losing their regular positions.
- f. The obligation to hold public hearings and the right to hold private hearings.
- g. The power of subpoena.

Last year's bill would have removed the exclusive right of way for a Mayor-created charter commission over all other methods of charter revision. This exclusive right was put into the law to help the New York City charter revision of 1961, but it was thought that in other situations it might be inappropriate. This proposed change, however, was probably the principal reason for the veto of last year's bill. This year's bill, therefore, does not attempt this particular change. It leaves the existing provisions that no charter revision question initiated by any other method may appear on the ballot at the same election as a question or questions initiated by a Mayor-created charter commission and that no such question initiated by the local legislative body or by petition may appear on the ballot at the same election as a question or questions initiated by any charter commission, but with one exception. In order to guard against the blocking of a charter revision movement year after year by the creation of successive charter commissions, the bill provides that if a charter revision or amendment is submitted by petition, it may not compete with any charter commission proposal at the first general election thereafter, but if delayed by such a proposal shall be submitted at the general election in the year following.

Also if a Mayor-created charter commission avails itself of the proposed new permission to submit its proposals at the second general election instead of the first, other charter proposals could be submitted at the first general election, but not at a special election while the Mayor-created commission was operating. If some change in the charter were adopted under other sponsorship at the first general election, the charter commission would have a full year to adjust its revision to the change.

In addition to the beneficial changes for cities generally, the bill contains a very important provision for New York City. At present the law requires the signatures of 15 per cent of the number that last voted for Governor in any city to put a proposal for creation of a charter commission on the ballot by petition. This is within reason in most cities in the state, but in New York City 15 per cent of the gubernatorial vote is well over 350,000. This bill would put an upper limit of 45,000 on the number required in any city, the same upper limit that was placed by the Legislature seven years ago on the number of signatures required for a direct submission of a charter amendment or new charter. The difficulty of getting a petition depends not merely on the percentage of available signatures required but much more on the actual number. This is recognized in the Election Law, where in sections 136.2 and 138.4 it is provided that either 5 or 7 per cent of the gubernatorial vote is required for designation or independent nomination in the smaller constituencies but definite numbers, generally much less than these percentages, are substituted for the larger constituencies.

In view of the recent general revision of the city charter in New York City, there is no present desire among civic groups to set up another charter commission in the near future; but for the longer future this route to general revision should be made not more difficult than direct submission of a new charter by petition. The substitution of 45,000 signatures for 15 per cent would make the setting up of a charter commission by petition and popular vote not easy but possible for civic groups. It is impossible now.

In addition to these important substantive changes and a few other minor ones, the bill makes various improvements in arrangement and wording. For example it puts the right of a Mayor to set up a charter commission near the beginning of the section, just after the other methods of setting up a commission, and then follows with a set of provisions applying to all charter commissions instead of having a complete separate set of provisions for Mayor-created commissions at the end.

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June 11, 1963

Mr. George Hallett
Executive Secretary
Citizens Union of the
City of New York
5 Beekman Street
New York 38, N. Y.

Dear George:

Thank you for your recent letter concerning Senate Bill, Introductory Number 3102. After you have discussed the subject with the Office for Local Government, I shall be pleased to meet with you.

With warm regards,

Sincerely,

SNC:Z

CITIZENS UNION OF THE CITY OF NEW YORK

A UNION OF CITIZENS, WITHOUT REGARD TO PARTY, FOR THE PURPOSE OF SECURING THE
HONEST AND EFFICIENT GOVERNMENT OF THE CITY OF NEW YORK

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5 BEEKMAN ST., NEW YORK 38, N. Y.

TELEPHONE BARCLAY 7-0844



June 3, 1963

Hon. Sol Neil Corbin
Counsel to the Governor
State Capitol, Albany 1, N. Y.

Dear Sol:

The veto message on Senate Int. 3102 has now reached me and I am getting in touch with the Office of Local Government as it suggests - copy enclosed. I shall of course want to talk with you also at your convenience, preferably sometime when you are in the city.

Cordially,

George Hallett
Executive Secretary

CITIZENS UNION OF THE CITY OF NEW YORK

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PAUL WINDELS, JR.

5 BEEKMAN ST., NEW YORK 38, N. Y.

TELEPHONE BARCLAY 7-0342



June 3, 1963

Hon. Milton Alpert
Office of Local Government
155 Washington Ave., Albany 10, N. Y.

Dear Milton:

The veto message for our Mitchell-Savarese charter commission bill (Senate Int. 3102, Print 4504) suggested that the sponsors get together with you to agree on the form of a similar bill for next year. On behalf of the legislative sponsors as well as the Citizens Union I am very glad to do so.

The veto was a great disappointment to me, for though the bill looked technical I honestly thought it was one of the most important and carefully drafted bills of the session. The veto was also a surprise, for I thought we had touched all bases, including - through Don Zimmerman's talk or talks with you and my talk with Frank Moore - the Office of Local Government. I knew about the Yonkers situation and was a little bit worried about it, but didn't really think the danger of a rival council-created commission, which in view of the popular revolt could hardly have proved successful, would be thought sufficiently important to set back a far-reaching improvement in home rule procedure affecting all the cities in the state. Certainly the exclusive right of way of a mayor-created charter commission could work the wrong way as often as not and is highly questionable in principle.

Already the veto has had one probably unfortunate effect. In New Rochelle a promising mayor-created charter commission, with which you were familiar, has decided to go out of business because

It did not believe it could complete a good job by early August. Our bill would have given it an extra year and till early September even if it decided to report this year.

But there is, as often, a silver lining to the cloud. There are two important improvements to Section 20 which we didn't get into the bill and it may be easier to enact them as parts of a general revision of the section than separately. The next time you are in New York I would like to discuss them with you, along with any ideas you may have for the bill's improvement. If we can get it passed again next year, the delay may improve the product.

I'll be here all of June, then away for three weeks on vacation. Let me know when it would be convenient for us to get together.

Cordially,


Executive Secretary



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

ANTHONY P. SAVARESE, JR.
CHAIRMAN
COMMITTEE ON CITY OF NEW YORK

March 26, 1964

Hon. Sol Neil Corbin, Esq.
Counsel to the Governor
Executive Chamber
The Capitol
Albany 1, New York

Re: A.I. 4504, A.P. 5786

Dear Sol:

Enclosed herewith is a memorandum
in support of my above numbered bill.

The Senate companion, S.I. 1979,
S.P. 4164, which was introduced by Senator
Mitchell, passed both houses and is now
before the Governor for his consideration.

With warm personal regards.

Sincerely,

Anthony P. Savarese, Jr.

APS:p
Enc.



THE SENATE
STATE OF NEW YORK
ALBANY

MACNEIL MITCHELL
20TH DISTRICT
CHAIRMAN
COMMITTEE ON JUDICIARY

April 1, 1964

81979

Hon. Sol Neil Corbin
Executive Chamber
State Capitol
Albany, New York

Dear Sol:

This memorandum is in support of my bill Senate Int. 1979, Senate Pr. 4164, which amends § 36 of the Municipal Home Rule Law and is now before the Governor.

This bill is similar to Senate Int. 3102, Senate Pr. 4504 which the Governor vetoed in 1963; however, this bill removes certain objectionable provisions and in accord with the Governor's Message the bill was drafted in conjunction with and has the approval of the Office for Local Government. This act would take effect January 1st, 1965 and thereby avoid conflict with existing charter commissions. The salient features of the bill are:

1. It would require that all charter commissions complete their work in time for submission not later than the second general election after the commission's creation. At present there is no time limit on a charter commission set up by local law without referendum, and Mayor-created charter commissions are required to file their proposals by early August of the year in which they are created.

2. The bill would permit a commission to submit its revision in the form of one or more amendments to the existing charter instead of a whole new charter as now required. The commission could leave a part of the existing charter unchanged, explaining why it did so.

3. Several provisions now specified only for Mayor-created charter commissions would be extended to all charter commissions;

a. The obligation of members of a commission to serve without compensation except for necessary expenses.

b. The right to appoint and compensate staff and consultants.

c. Required cooperation of city officers and agencies.

d. The obligation of appropriating authorities to provide for necessary expenses, with the Mayor empowered to mandate necessary financing where omitted.

e. The right of public officers and employees to serve charter commissions as members, employees or consultants without losing their regular positions.

f. The obligation to hold public hearings, and the right to hold private hearings and the power of subpoena.

Further, in order to guard against the blocking of a charter revision movement year after year by the creation of successive charter commissions, the bill provides that if a charter revision or amendment is submitted by petition, it may not compete with any charter commission proposal at the first general election thereafter, but if delayed by such a proposal shall be submitted at the general election in the year following. In addition to the beneficial changes for cities generally, the bill contains a very important provision for New York City. At present the law requires the signatures of 15 per cent of the number that last voted for Governor in any city to put a proposal for creation of a charter commission on the ballot by petition. This is within reason in most cities in the state, but in New York City 15 per cent of the gubernatorial vote is well over 350,000. This bill would put an upper limit of 45,000 on the number required in any city, the same upper limit that was placed by the Legislature seven years ago on the number of signatures required for a direct submission of a charter amendment or new charter.

Hon. Sol Neil Corbin

-3- April 1, 1964

For the above reasons, I believe this bill constitutes meritorious legislation and the favorable action of the Governor is earnestly requested.

Cordially yours,

Maxwell Mitchell



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81979

April 1, 1964

Hon. Nelson A. Rockefeller
Governor of the State of New York
Executive Chamber
The Capitol
Albany 1, New York

Re: ✓ S. Int. 1979, Pr. 4164
S. Int. 2248, Pr. 4408
A. Int. 885, Pr. 5373
A. Int. 1614, Pr. 1614
A. Int. 5035, Pr. 5380

Dear Governor Rockefeller:

In reply to your request for our comments and recommendations regarding the above bills, I wish to advise you that our committees have taken no action on these measures. We hope, however, that we can be of assistance to you in your consideration of other measures.

Very truly yours,

Karl D. Zukerman
Karl D. Zukerman
Public Affairs Counsel

KDZ:ae