

**TESTIMONY OF
BRONX BOROUGH PRESIDENT RUBEN DIAZ JR.
BEFORE THE CHARTER REVISION COMMISSION
HOSTOS COMMUNITY COLLEGE
APRIL 12, 2010**

Chairman Goldstein and distinguished members of the Charter Revision Commission, I welcome you to the Bronx and extend my whole hearted support to you in the execution of this most serious of missions – the amendment of our City Charter in order to better serve all of our citizens.

In executing this mission, it is imperative that this commission not serve as a vehicle to implement a preconceived political agenda in a hurried rush, but that it truly seek out and listen to the people of our great city in formulating what is best for all of us. As borough president, I spend most of my days listening to and working with my constituents to help them solve real and serious problems. To better understand what our citizens want and need, it is my hope that this commission will take its time listening to them.

To that end, I am calling on the commission to ensure that all voices are heard in this process, and only then to schedule a vote on the matters before this commission. There should be many more hearings, not just in the Bronx but in all five boroughs, over a longer period of time to discuss the issues that face our city. Only then would it be appropriate to schedule a vote on these important matters.

I hope that this commission will also listen to the expressed will of the people and not look to bring old, unpopular proposals to the floor. There have been many reports that this commission will attempt to bring a question on non-partisan elections to the voters of this city. In 2003, a similar question was defeated by a wide margin, with seven out of ten voters rejecting the idea. This matter, in my opinion, has been settled, and I hope the commission will use its time to discuss other, more important matters.

As for myself, the concerns and proposals I will present to the commission are significant in stature and deserve measured consideration and debate. The main point I want to convey today is that borough presidents play an extremely important role in the civic life of each of our boroughs by providing an invaluable human interface between our constituents and our behemoth city service agencies. To serve the public better, I sincerely believe the role of the borough president should be protected, and our offices enhanced.

First, in order for the borough presidents to properly do our job, the budgets for our offices should be protected from the year after year budget cuts that have severely hampered our ability to serve the people. For example, from fiscal years 1989 through 2009 the budget for office my has fallen from \$6.1 million dollars to \$5.5 million, which amounts to a cut of approximately 55

percent in real dollars when adjusted for inflation and has resulted in staff reductions of more than 50 percent since 1989.

No city offices, other than the borough presidents, the public advocate and the community planning boards, have suffered such a devastating long-term decline in resources. There is no doubt in my mind that these offices, which are so important to providing services on the community level, are being slowly suffocated by design. Ending this slow suffocation of our offices should be a top priority of the commission. Accordingly, the commission should prepare a proposal to provide for a baseline budget allocation similar in manner to the budget allocation for the Independent Budget Office for each of the borough presidents, the public advocate and the community boards.

Second, I am calling for the office of the borough president to have a binding recommendation within the Uniform Land Use Review Procedure, or ULURP. As it stands today, a borough president's ULURP recommendations are merely that, recommendations, and can be set aside by the City Council and the mayor's office when it is time to make a decision on a particular development. But few are more familiar with the development needs of our neighborhoods, and the community concerns that proposed developments bring to light, than the office of the borough president.

For example, a negative recommendation by a borough president could require a supermajority of nine members of the City Planning Commission to override it. A more binding decision in the ULURP process, such as this, is a much-needed negotiating tool that, due to direct negotiation between the borough presidents' offices and developers, would help to greatly improve the scope of development across the five boroughs.

The City's zoning and ULURP processes should also be changed to take into consideration not only environmental and traffic impacts from new capital projects, but also impacts on the community as a whole. When 10,000 units of housing are proposed to be built, the effect on the schools and health services of the community need to be accommodated. Furthermore, to ensure objective impact analyses, the consultants conducting the impact studies should not be selected and directed by the developer but rather chosen by the City from a pool of consultants that have little or no prior relationship with the developer.

Third, I am calling for the borough presidents' offices to have a greater voice in the decisions of the Board of Standards and Appeals. As it is currently contrived, the power of the BSA rests entirely within the Mayor's office, and does not allow for an appeals process to address the grievances of any interested party once the BSA's decision has been made. Much like my aforementioned suggestion for the ULURP process, adding a binding BSA decision to the powers of our office would foster greater negotiating between businesses and developers—and the communities their projects directly effect. Borough presidents should have an appointment of

their own to the BSA, and the BSA should be required to accept comments from our offices, such as it is required to do so from the community boards.

The Borough Service Cabinet is an important forum to assure that city services are adequately and fairly distributed throughout the boroughs. Since the last charter revision, additional agencies have been created, some have been merged and other agencies responsibilities have been expanded. These new agencies must be required to attend Borough Service Cabinet meetings.

In order for the Borough President to fulfill his responsibilities to monitor the quality and delivery of city services borough wide, it is important that the Borough President have the authority to require the attendance of agency commissioners of departments and agencies of the city of New York at meetings of the Borough Board, Borough Service Cabinet and any public hearing called by the borough president and give testimony on issues raised at such meetings and provide all requested information.

We also know that there is a need to increase the transparency of City government, and to eradicate even the perception of bias and impropriety within our halls. To that end, I am proposing that the Conflicts of Interest Board, which is currently controlled by the sitting mayor, be made completely independent. Under my proposal no elected official would be responsible for the selection of the COIB members. Instead, that panel would be selected by the criminal and civil administrative judges representing the four judicial districts that cover the five boroughs. Not only would this method lead to a fair, balanced and impartial panel, it would remove any appearance of bias from the important work of the COIB.

Thank you for allowing me this opportunity to testify before you, and I look forward to your next Bronx hearing.