

**TESTIMONY By BOROUGH PRESIDENT FERRER to the
CITY CHARTER REVISION COMMISSION**

Fordham University
August 9, 2001

Good evening. I am Fernando Ferrer, President of the Borough of The Bronx.

The Charter is the fundamental governing law of our city. It provides, both in broad outline and, in many cases, specific detail on how our municipality operates and the obligations of all those involved in the process. It touches the lives of each New Yorker in many ways, large and small.

Before amending a document so vital to all our communities and residents, an extraordinary effort must be made to give the widest possible opportunity for participation to all who would be affected.

Unfortunately, the schedule provided by the current Charter Revision Commission for public hearings barely allows minimal participation. Conducting only five public hearings, all within a nine-day period in the month of August, is a guaranteed method to insure that New Yorkers have almost no part in this process. The 1988/ 1989 charter revision process included 25 public hearings over two and a half years, in addition to hundreds of smaller forums within various communities and organizations, accompanied by an extensive informal mailing outreach effort.

The current attempt to conduct a handful of meetings in the middle of summer on a preliminary report for a vote scheduled only a few months away is completely unacceptable. It can only be seen as a deliberate disenfranchisement of those who would normally participate, in a bid to perform an end-run around both the public and the normal legislative process of our city government.

Among the issues that deeply concern me within the report is the proposal to merge the Department of Health (DOH) with the Department of Mental Health, Mental Retardation and Alcoholism Services (DMHMR&AS). This proposal fails to affirmatively answer the most fundamental question: will this change bring about an improvement in the quality of services?

As the former Chair of the New York City Council Health Committee, it was my observation that when mental health services are combined with public health services, the needs of the mentally ill are ignored. I remain unconvinced that the very minimal cost savings, if any, that may possibly result from this step are worth the very real risk to the quality of care New Yorkers need.

Of course, we should review whether the DMHMR&AS, as a separate entity, has served this city well. By most objective criteria, it has. Indeed, both advocates and those served by DMHMR&AS have been satisfied by the care they received. We must also

examine whether the agency has received adequate resources for its activities. Certainly, since the Community Reinvestment Act of 1993, funds have been made available to deliver emergency and crisis services; needed care for children and adolescents; community support programs, and other vital mental health services. DMHMR&AS has served the people of New York well.

While the two agencies in the proposed merger both provide health services to the public, they each have very different needs, medically and administratively, and both function and need to function in very distinctive ways.

Let us not forget the horrors that occurred in sites such as Willowbrook. DMHMR&AS, devoted to providing services for the mentally retarded, is a vital safeguard insuring that the needs of those who are vulnerable, and others who require its assistance, will be treated fairly and competently. Only an independent DMHMR&AS can be relied upon to be the most effective advocate for the resources and policies required to provide the level of care New Yorkers truly need.

This issue, so important to the health of our city, should not be discussed in the short time frame provided for Charter Revision discussions. Nor should the issue be brought to the forefront in the very middle of summer, when much of the public's attention is diverted.

I urge the Commission to delete this proposal from its recommendations.

For the most part, the various issues discussed within the Charter Revision's staff report, *Preliminary Recommendations for Charter Revision*, do not require charter revision to be addressed. They can be resolved by the executive branch alone, or as part of a joint effort by the City and the Mayor. Conversely, the report fails to consider issues that should be the topic of charter revision. These include:

- Creating an independent CCRB by base-lining its funding as a percent of the NYPD budget, and establishing a mechanism to make the appointed CCRB members more reflective of the City and controlled less by the administration.
- Making elected officials accountable by barring mayoral rate-setting boards and authorities from imposing budget allocations unless the Council grants such authority, as in the example of the Water Board setting rates after, rather than, as it does now, before the budget's adoption. The State Assembly actually adopted, 149 -1, a version of this initiative that I developed with Assembly Member Weprin of Queens.
- Budgeting for the delivery of city services where appropriate by borough and community district.
- Shifting responsibility for preparations of the Mayor's Management Report (MMR) to the Independent Budget Office and renaming the document the Independent Management Report.

- Maximizing community participation in City approval of major concessions for private use of public spaces, including parkland, by involving the Borough Presidents, Council Members and Community Boards in formulating rules defining and governing major concessions.
- Empowering the City Council to review Board of Standards and Appeals dispositions, a power held by the Board of Estimate but not passed on.

These latter two have significant support among community groups and the Queens Civic Congress includes both in its platform. Nevertheless, this compressed process is not the forum to move these worthy land use reforms along.

A charter revision process that raises appropriate issues in a manner that allows for full and vigorous participation would be welcome. However, this current process minimizes and almost eliminates the role of New Yorkers in the governance of their own city.