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A Case for and Against the Borough  
President in Twenty-First Century  
New York City

58 N.Y.L. SCH. L. REV. 193 (2013–2014)

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## A CASE FOR AND AGAINST THE BOROUGH PRESIDENT

### I. INTRODUCTION

Since the time when Manhattan, Brooklyn, Staten Island, Queens, and the Bronx became the five boroughs of Greater New York City,<sup>1</sup> the city's leaders have struggled to find a method of government that allows the individual boroughs to quickly and effectively address their difficulties while at the same time maintaining centralized government bodies capable of remedying citywide issues. To this end, the position of Borough President was created to advocate and wield political power on behalf of each respective borough. Yet, in the twenty-first century the position of Borough President is at a crossroads. While at one point in New York City's history the Borough President was an important position in city politics, many commentators who closely study city government now feel that the position was rendered irrelevant by the drastic overhaul of city government that occurred in November 1989.<sup>2</sup>

balancing layer  
cake

Shortly after the position was created in 1898, the five Borough Presidents were each given votes on the Board of Estimate, the foremost governing body in New York City. After elements of the Board of Estimate's electoral scheme were declared unconstitutional in 1989,<sup>3</sup> the Borough Presidents lost the greatest part of their influence in shaping citywide policy, though they retained control over some intra-borough affairs. Eventually, the loss of political clout spurred calls to terminate the position.

Currently the five Borough Presidents<sup>4</sup> wield power under chapter 4 of the City Charter.<sup>5</sup> Each Borough President serves a four-year term, with a maximum term limit of twelve years.<sup>6</sup> Most of this power relates to zoning, land use, and stewardship of an annual budget. Borough Presidents retain their influence over intra-borough affairs by appointing members of the Community Boards in their respective boroughs.<sup>7</sup> The Borough Presidents also work with the Mayor, as an advocate on behalf of their borough, during the city's budget-making process.

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1. See *infra* p. 196.

2. See Alan Finder, *The 1989 Elections Charter; Overhaul of New York City Charter Is Approved, Polls Show*, N.Y. TIMES, Nov. 8, 1989, at B1, available at <http://www.nytimes.com/1989/11/08/nyregion/1989-elections-charter-overhaul-new-york-city-charter-approved-polls-show.html>; see also John Horenstein & Stanley Trybulski, *New York City's Charter Revision: The Political Aftermath*, 1 J. L. & POL'Y 113, 115 (1993); Jonathan Holub & Irina Gonikberg-Dolinskiy, *The Borough President: Community Leader or Excess Political Baggage*, 42 N.Y.L. SCH. L. REV. 1197, 1201-02 (1998).

3. See *Board of Estimate v. Morris*, 489 U.S. 688, 691 (1989).

4. As this publication was going to press, the Borough Presidents in 2013 were: Ruben Diaz, Jr. of the Bronx, Marty Markowitz of Brooklyn, Scott Stringer of Manhattan, Helen M. Marshall of Queens, and James P. Molinaro of Staten Island.

5. See N.Y.C. CHARTER § 82 (2013).

6. *Id.* at § 81(b).

7. The Borough President appoints the members of community boards for two-year terms, reviews and makes recommendations on ULURP applications, maintains planning and budget offices, administers training to community board members and serves as chairperson of the Borough Board and Borough Service Cabinet. Community boards are local representative bodies. There are 59 community boards throughout the

This article will examine the evolution of the powers of the Borough Presidents and trace the waxing and waning of those powers through amendments to the City Charter. Part II will recount the creation of the city's five-borough system and how the office of Borough President came to be. Part III will examine the effects the 1989 Charter Revision had on the power of the Borough Presidents. Finally, Part IV will look at the powers wielded by Borough Presidents in the twenty-first century and examine the continued viability of the position and the reasons for and against its retention.

## II. THE FIVE BOROUGHS AND THE CREATION OF THE BOROUGH PRESIDENCY

### A. From Settlement to Super City

The residents and leaders of New York City have for many years created political offices in an effort to prevent other city offices from acquiring too much authority. The process of creating political positions that supplement the city's chief executive is nearly as old as the city itself.<sup>8</sup> As early as the seventeenth century, the city's political leaders have sought to distribute power among multiple bodies and offices. In 1653, Peter Stuyvesant, as Director-Governor of the colony, was pressured by Dutch colonists to grant New Amsterdam a Charter establishing a town governed by two Burgomasters, five Aldermen, and a Sheriff.<sup>9</sup> After the English displaced the Dutch,<sup>10</sup> successive Charters throughout the eighteenth century sought to bestow certain regulatory powers on the offices of Mayor and Alderman.<sup>11</sup> As the colonies became the United States and the population of New York City grew,<sup>12</sup> so did the demand that New York City's municipal government reach a broad cross-section of citizens living not only in Manhattan, but also in Brooklyn and the areas that are now Queens and the Bronx.<sup>13</sup>

spread out power to prevent one office from having too much power

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City, and each one consists of up to 50 unsalaried members, half of whom are nominated by their district's City Council members. Board members are selected and appointed by the Borough Presidents from among active, involved people of each community and must reside, work, or have some other significant interest in the community.

*About Community Boards*, N.Y.C. MAYOR'S CMTY. AFFAIRS UNIT, <http://www.nyc.gov/html/cau/html/cb/about.shtml#govt> (last visited Sept. 2, 2013).

8. Originally inhabited by the Lenape tribe, the island of Manhattan was purchased in 1626 from its original indigenous inhabitants by Dutch settlers for what historical accounts recorded as "the price of sixty florins." FRANCOIS WEIL, *A HISTORY OF NEW YORK* 7 (2000).
9. *Id.*
10. The English Crown took possession of the colony of New Amsterdam from the Dutch on September 8, 1664. King Charles II decided to end the trade and colonization war in North America and decreed that his brother, James, Duke of York, was to take title to all lands located between Virginia and New England. The seizure of New Amsterdam occurred without bloodshed as the Dutch colonists, concerned about their economic interests, pressured Stuyvesant into surrender. *Id.* at 14.
11. *Id.* at 36. Many successive Charters bore the names of City Governors responsible for their enactment: Dongan in 1686, Cornbury in 1708, and Montgomerie in 1731.
12. By 1880, the city's population first eclipsed one million residents. *See* WALLACE S. SAYRE & HERBERT KAUFMAN, *GOVERNING NEW YORK CITY: POLITICS IN THE METROPOLIS* 20 (1965).
13. *Id.* at 18.

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The office of Borough President as we know it today was the product of the slow process of the consolidation of Manhattan, Brooklyn, and the outlying areas into Greater New York City.<sup>14</sup> Political aspirations calling for an “imperial city” in New York Harbor led New York City politicians to consider annexing townships on the mainland of New York, as well as parts of Long Island.<sup>15</sup> The consolidation process took place during the later decades of the nineteenth century.<sup>16</sup> For generations prior to that, New York City, the municipal name for the island of Manhattan, and Brooklyn were entirely separate cities, each with its own Mayor and Aldermen.<sup>17</sup> Over time, New York City expanded northwards by adding areas of the Bronx in 1877 and 1895.<sup>18</sup> New York City, in its modern form, was born on the evening of December 31, 1897.<sup>19</sup> On that night, as 1898 was ushered in, the bells of City Hall announced a unification of Manhattan and Brooklyn, into Greater New York City.<sup>20</sup> The five boroughs comprising the city were Manhattan, Brooklyn, the Bronx, Queens, and Staten Island, with each borough also existing as a separate county within New York State.<sup>21</sup> The creation of the five boroughs therefore necessitated the creation of the office of Borough President.<sup>22</sup> The Borough Presidency became an official position with the new City Charter revisions that accompanied the great consolidation and formation of the boroughs in 1898.

### *B. A Seat at the Head Table: Borough President Power After 1901*

The first modern version of the Charter for New York City, written in 1898, set forth the powers and duties of the municipality’s government<sup>23</sup> and allocated

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14. *Id.* at 11–15. Queens became a borough through the combination of Long Island City and Queens County. The Bronx was created out of a combination of parts of New York City with areas of Yonkers and lower Westchester County. *See* Holub & Gonikberg-Dolinskiy, *supra* note 2, at 1198.

15. SAYRE & KAUFMAN, *supra* note 12, at 12.

16. *Id.* at 11–15.

17. The consolidation process unified New York City, the nation’s largest city, with Brooklyn, which, at the time of its incorporation into New York City, was the fourth-largest city in the United States, with a population of over 800,000. By 1900, two years after this consolidation, the unified New York City had nearly double the population of Chicago, the nation’s second-largest city. *See id.* at 11.

18. David C. Hammack, *Reflections on the Creation of the Greater City of New York and Its First Charter*, 42 N.Y.L. SCH. L. REV. 693, 695–96 (1998).

19. WEIL, *supra* note 8, at 166.

20. *Id.* at 167. The celebration was confined solely to the streets of Manhattan as many residents in Brooklyn lamented the “disappearance of Brooklyn”; the aura in Brooklyn was filled with a “funereal melancholy” as it lost its autonomy. The boroughs of Staten Island and Queens were also added through the consolidation of 1898, and the two large areas of the Bronx, added in 1874 and 1895, were combined into a single borough. *See* SAYRE & KAUFMAN, *supra* note 12, at 14.

21. Horenstein & Trybulski, *supra* note 2, at 115. Brooklyn is Kings County and Staten Island is Richmond County.

22. SAYRE & KAUFMAN, *supra* note 12, at 14.

23. *Id.* at 14–16.

KK, you were right

responsibilities to the Mayor, along with the City Council,<sup>24</sup> and the Borough Presidents.<sup>25</sup> The government was strongly centralized, with power allocated to a single Mayor as executive and the Board of Aldermen as the legislative body.<sup>26</sup> The powers of the newly created Borough Presidency—along with most of the government offices—were not fully articulated in the 1898 Charter. The creation of the Borough Presidency was an important way to assuage fears that the Charter overhaul would completely centralize city government in the hands of City Hall.<sup>27</sup>

The purpose of creating the Borough Presidency was in part to avoid the system of ward politics that was plaguing cities such as Chicago and Philadelphia.<sup>28</sup> In a ward system, elected officials are strongly beholden to the constituents of a neighborhood or electoral district within the larger city. These wards are typically small and often lack diversity.<sup>29</sup> In contrast, boroughs are large, ethnically diverse, and densely populated political territories. The hope was that the elected Borough Presidents would be visible and accountable to a large, diverse constituency<sup>30</sup> and that the increased visibility of the position would, ideally, cultivate responsibility to the borough's population.<sup>31</sup>

Unfortunately, the 1898 Charter, considered a “hastily assembled document,” failed to adequately define the powers of the various city offices, including Borough President. As a result, the city's government structure underwent another overhaul three years later in 1901.<sup>32</sup> The 1901 revisions redefined the allocation of responsibilities under the 1898 Charter.<sup>33</sup> The political entity created under the 1901 Charter that gave the Borough Presidents a greater say in crafting citywide policy was the Board of Estimate.<sup>34</sup> At its inception, the members of the Board were the Mayor, the President of the Board of Aldermen,<sup>35</sup> the Comptroller, and the five Borough Presidents.<sup>36</sup> The Board became “the city government's most powerful

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24. Starting with the 1898 Charter, the modern political body of the City Council evolved out of the Board of Aldermen.

25. SAYRE & KAUFMAN, *supra* note 12, at 14.

26. *Id.*

27. See Holub & Gonikberg-Dolinskiy, *supra* note 2, at 1198.

28. SAYRE & KAUFMAN, *supra* note 12, at 17.

29. *Id.*

30. *Id.*

31. *Id.*

32. *Id.* at 14.

33. Although the 1898 Charter successfully consolidated the five boroughs into Greater New York City, numerous boards and commissions had the potential to reduce the Mayor's broad formal powers. The powers of the legislative body were also clouded by uncertainty. Further Charter revisions had to wait until after the city conducted its first elections. *Id.* at 15.

34. *Id.*

35. The Board of Aldermen was renamed the “City Council” in 1937. *Id.* at 634.

36. *Id.*

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single institution.”<sup>37</sup> It was empowered to grant leases of city property, make policy recommendations to the Mayor or City Council, hold public hearings, and exercise final authority on the development and improvement of city land.<sup>38</sup> In addition to control over dispensation of city property, the Board had a mix of executive and legislative functions. Its legislative abilities included the power to review City Council legislation, and its executive powers were concentrated in a large budget allocation and in control over pensions paid out of the city’s coffers.<sup>39</sup>

Board of Estimate  
has executive and  
legislative power

The members of the Board were not elected to their seats; instead, they were on the Board by virtue of holding their offices.<sup>40</sup> Each Borough President was elected only by the voters residing in the individual boroughs and was given one vote on the Board.<sup>41</sup> For over eighty years, the necessity and power of the Borough Presidents were integrally tied to their seats on the Board of Estimate.

### III. DRASTIC CHANGES IN THE 1989 CHARTER REVISIONS

#### A. *The Demise of the Board of Estimate*

For nearly the entire twentieth century, New York City politics functioned as a triadic system comprised of the Mayor, the City Council, and the Board of Estimate.<sup>42</sup> The powers of these political entities were therefore directly affected by litigation concerning the constitutionality of the voting structure of the Board of Estimate.<sup>43</sup> On March 23, 1989,<sup>44</sup> this “queen” on the chessboard of New York City politics was taken out of the picture, creating a power vacuum,<sup>45</sup> when the U.S. Supreme Court in *Board of Estimate v. Morris* held that the Board of Estimate’s voting structure was an

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37. *Id.*

38. *Id.* at 654. See N.Y.C. CHARTER chs. 61–68 (1989).

39. SAYRE & KAUFMAN, *supra* note 12, at 630.

40. *Id.* at 654.

41. *Id.* at 653–54.

42. Horenstein & Trybulski, *supra* note 2, at 115; see also SAYRE & KAUFMAN, *supra* note 12.

43. See Frederick A.O. Schwarz, Jr. & Eric Lane, *The Policy and Politics of Charter Making: The Story of New York City’s 1989 Charter*, 42 N.Y.L. SCH. L. REV. 723, 741 (1998) (“It is important to note what the Supreme Court did not decide. First, the Court did not hold that the Board as an institution was unconstitutional, but rather that its voting structure was unconstitutional. This led to one of the central early debates of the Charter revision process: Could the Board legally—and should it substantively—be ‘saved’ by a scheme of ‘weighted voting’ that would, for example, give six votes to Brooklyn’s borough president as opposed to one vote to Staten Island’s? Second, the Court’s decision was based only on the ‘one person-one vote’ principle.”).

44. “Because the boroughs have widely disparate populations—yet each has equal representation on the board—the Court of Appeals for the Second Circuit held that this structure is inconsistent with the Equal Protection Clause of the Fourteenth Amendment. We affirm.” *Board of Estimate v. Morris*, 489 U.S. 688, 691 (1989).

45. “On the chessboard of the city’s politics, the Mayor may be king, but the Board of Estimate is queen.” SAYRE & KAUFMAN, *supra* note 12, at 652.

unconstitutional violation of the Fourteenth Amendment.<sup>46</sup> As a result, New York City was faced with a dramatic policy choice: restructure the Board of Estimate to conform to constitutional principles or execute a fundamental reconstruction of New York City government. Mayor Edward I. Koch established a Charter Revision Commission, chaired by Frederick A.O. Schwarz, Jr., to propose changes to the City Charter for approval by the electorate.<sup>47</sup> Mayor Koch opted for the second of the two choices in response to *Morris*. Koch and others recognized that the crisis was an opportunity for a massive overhaul of the city's government structure.<sup>48</sup>

The reformation of New York City government into its present-day form occurred through the 1989 Charter revisions.<sup>49</sup> The Commission decided against proposing population-based weighted voting for a revamped Board of Estimate.<sup>50</sup> Instead, the revisions of 1989 would remove the Board of Estimate from New York City government entirely.<sup>51</sup> The Commission decided to abolish the Board altogether in favor of a centralized city government with a strong Mayor and City Council.<sup>52</sup>

The Borough Presidents at the time were unhappy with the developments and proposals being considered by the Schwarz Commission.<sup>53</sup> Of the five sitting Borough Presidents, three were staunchly opposed to the Charter revision proposals, including the abolition of the Board of Estimate. Staten Island Borough President Ralph J. Lamberti publicly denounced the proposals, warning constituents of an

Unconstitutionality ruling was an excuse for restructuring city government for central control

46. *Morris*, 489 U.S. 688. The crux of the plaintiffs' argument in *Morris* was that allocating one vote to each of the five Borough Presidents to decide matters over which the Board had jurisdiction unconstitutionally diluted the voting rights of Brooklyn residents under the Fourteenth Amendment doctrine of "one person one vote." At the time of the litigation, Brooklyn had a population of 2.2 million people and Staten Island had a population of about 350,000. "In between were Queens with 1.9 million, Manhattan with 1.4 million, and the Bronx with 1.1 million." In terms of representation, "each Staten Island resident, as a result, had six times more representative power than a Brooklyn resident," which violated the one-person-one-vote requirement. See Schwarz & Lane, *supra* note 43, at 740.

47. Frederick A.O. Schwarz, Jr. was at the time of his appointment a former New York City Corporation Counsel. Eric Lane served as the Commission's Executive Director. Mayor Koch appointed Schwarz and the fourteen other members of the Commission on January 18, 1989, utilizing his power under section 36 of the Municipal Home Rule Law. N.Y. MUN HOME RULE LAW § 36 (McKinney 2012); see also Schwarz & Lane, *supra* note 43, at 729, 741.

48. Schwarz & Lane, *supra* note 43, at 742 ("Without *Morris*, attempts to make major changes in the City's governance would have been thwarted, regardless of significant objections to the Board's governmental functions and representational deficiencies. With *Morris*, broad change became possible, not only because of what it held but because it galvanized attention to questions of governance.").

49. *Id.* at 729, 756.

50. With the abandonment of the weighted voting proposals, all hopes for retaining the Board were lost. See *id.* at 765.

51. *Id.*

52. See Finder, *supra* note 2 ("The proposal from the Charter Revision Commission calls for eliminating the Board of Estimate, which has been at the heart of city affairs for almost 100 years. It would redistribute the board's powers over land use, franchises, contracts and the budget, primarily to the City Council and the mayor. Government People 'Can Understand.'").

53. *Id.*

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impending “imperial mayoralty.”<sup>54</sup> Brooklyn Borough President Howard Golden, despite the federal court’s declaration that the Board of Estimate unconstitutionally violated the voting rights of Brooklynites, said the Board was necessary for the city to run effectively.<sup>55</sup> Concerned about the centralization of power in the hands of the Mayor, Golden later proposed that New York State create a commission on borough governance.<sup>56</sup> Additionally, Golden wanted land use decisions and budget allocations to begin each year at the borough level, not in the Mayor’s office.<sup>57</sup> Golden received vocal support from Queens Borough President Claire Shulman and Lamberti’s challenger for Staten Island Borough President, Guy V. Molinari, but he was unsuccessful in slowing momentum generated in support of the Schwarz Commission’s proposals.<sup>58</sup> Bronx Borough President Fernando Ferrer was also disappointed that the Schwarz Commission proposed abandoning the Board; Ferrer wanted a revamped Board that complied with federal election standards because he felt that weighting voting power by population would be a boon for the Bronx.<sup>59</sup> Borough President Shulman campaigned feverishly in opposition to the Charter revisions, lamenting its adverse effect on her position before succumbing to stronger opposition in favor of the revisions.<sup>60</sup> The only Borough President in favor of the Schwarz Commission’s proposals was David N. Dinkins of Manhattan.<sup>61</sup> Although Dinkins initially said he would “reluctantly and conditionally” support the Charter revision proposals, months later he changed his tune, saying he could not “conceive of a circumstance wherein [he] would oppose the charter.”<sup>62</sup>

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54. *Id.* Borough President Lamberti was defeated in the 1989 election by his Republican challenger Guy V. Molinari, who took office January 1, 1990. Molinari did, however, echo his predecessor’s sentiments concerning the revisions’ negative effect on the outer boroughs.

55. *Id.*

56. Horenstein & Trybulski, *supra* note 2, at 140–41.

57. *Id.* at 140.

58. *Id.* at 141. The centralization of power in the Mayor’s office and the siphoning of power away from the boroughs themselves was the impetus for talks of secession in Staten Island. In 1993, Staten Island residents, by a margin of nearly two to one, voted in favor of secession before final approval of the measure died in the New York State Assembly. See also James Dao, *The 1993 Elections: Staten Island; Secession Is Approved; Next Move Is Albany’s*, N.Y. TIMES, Nov. 3, 1993, at B4, available at <http://www.nytimes.com/1993/11/03/nyregion/the-1993-elections-staten-island-secession-is-approved-next-move-is-albany-s.html>; Kate Kelberg, *In New York, The Secession Obsession Still Lingers*, CITY & STATE (Aug. 10, 2009), <http://www.cityandstateny.com/in-new-york-the-secession-obsession-still-lingers/>; *Staten Island Brief History*, THE STATEN ISLAND HISTORIAN, [http://www.statenislandhistorian.com/Staten\\_Island\\_History.html](http://www.statenislandhistorian.com/Staten_Island_History.html) (last visited Sept. 2, 2013).

59. Finder, *supra* note 2.

60. *Id.*

61. *Id.*

62. *Id.*

Despite the vocal opposition, the Board of Estimate was dissolved with the 1989 Charter revisions, which were ratified by the city electorate on November 7, 1989.<sup>63</sup> As the Borough Presidents no longer had the platform of the Board of Estimate to allow them to shape citywide policy, the position diminished in significance. Only a few years after the 1989 revisions, the long-term viability of the position came under intense scrutiny.<sup>64</sup>

BP scrutinized only after Board of Estimate left

#### IV. THE BOROUGH PRESIDENCY IN THE TWENTY-FIRST CENTURY

##### A. *The Powers of the Modern Borough President*

The codified source of the Borough Presidents' powers, after the 1989 Charter revisions, is chapter 4 of the City Charter.<sup>65</sup> More specifically, section 82 of the Charter covers the duties and responsibilities of the office.<sup>66</sup> Although paling in comparison to the power and influence of the Mayor or City Council,<sup>67</sup> the position provides the citizens of each borough with an advocate capable of introducing legislation, lobbying, and coordinating political capital on their behalf.

We read this

Although the office is endowed with a myriad of smaller responsibilities—as compared to the City Council or the Mayor's office—four chief powers of the Borough President make the position noteworthy. These include: (1) stewardship of five percent of the city's capital budget each year to spend on discretionary projects; (2) the ability to introduce legislation directly to the City Council;<sup>68</sup> (3) the power to make appointments to Community Boards; and (4) a direct line of communication to the Mayor's office to make recommendations concerning the borough's interests.<sup>69</sup>

BP is more of an advocate for its people

Observers of city government refer to the Borough Presidents' role as "public advocates" on behalf of their respective boroughs.<sup>70</sup> An active Borough President

63. "With results reported from 98 percent of the city's election districts . . . the proposed revision to the City Charter had been approved by a ratio of about five to four. Slightly more than 488,000 people voted for the charter plan, or 55 percent, and about 403,400 voted against the proposal, or 45 percent." *Id.*

64. See Sam Roberts, *Metro Matters; Borough Chiefs See Their Sliver of Pie Crumbling*, N.Y. TIMES, Apr. 4, 1991, at B1, available at <http://www.nytimes.com/1991/04/04/nyregion/metro-matters-borough-chiefs-see-their-sliver-of-pie-crumbling.html>; Alan Finder, *The Shape of Borough Presidents to Come*, N.Y. TIMES, Apr. 29, 1989, at 29, available at <http://www.nytimes.com/1989/04/29/nyregion/the-shape-of-borough-presidents-to-come.html>; see also Holub & Gonikberg-Dolinskiy, *supra* note 2, at 1211.

65. See N.Y.C. CHARTER §§ 81–86 (2013).

66. *Id.* § 82.

67. In 2002, the Borough Presidents also lost the ability to appoint a member to the New York City Board of Education.

68. N.Y.C. CHARTER § 82(11) ("[The president of the borough shall] . . . Have power to have legislation introduced in the council; such proposed legislation shall indicate that it was introduced at the behest of the borough president.").

69. See Finder, *supra* note 2, at 29; see also N.Y.C. CHARTER § 82(6) ("[The president of a borough shall] . . . Make recommendations to the mayor and to other city officials in the interests of the people of the borough.").

70. Holub & Gonikberg-Dolinskiy, *supra* note 2, at 1208.

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lobbying the Mayor or voicing the interests of the borough to the media creates positive results for the borough, even if the Mayor fundamentally disagrees with what was being advocated. Therefore, the Borough President's status as an advocate allows for both increased debate and discourse in situations where there is disagreement and increased awareness when initiatives in one borough begin to generate negative externalities in another.<sup>71</sup> The Borough President's close proximity to the people can bring an issue to the forefront of the city's political discourse by convening public hearings to discuss matters of public importance.<sup>72</sup>

In addition to their status as public advocates, the Borough Presidents, despite the dramatic changes to the position, wield the power of the purse, with some control over the annual budget. Prior to the dissolution of the Board of Estimate, the Board shared with the City Council the powers that were used to pass city budgets.<sup>73</sup> Now, the Borough Presidents are given control of five percent of the city's budget.<sup>74</sup> The Borough Presidents lack the statutory power via the vote in the Board of Estimate to craft a budget, but they still retain their lobbying power to influence City Council decisionmaking. The discretionary budget is the most important aspect of the position today and this makes the Borough Presidency a sought-after post.<sup>75</sup>

### *B. Borough Presidents and Community Boards*

The Borough Presidents also retain their ability to start and cultivate grassroots political movements through their relationships with their borough's Community Boards. Each Board consists of up to fifty active members of the community selected by the Borough Presidents.<sup>76</sup> Community Boards were originally conceived in the

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71. See Eli Rosenberg, *Borough President Markowitz and Mayor Bloomberg at Odds over National Guard Response for Hurricane Sandy*, BROOKLYN PAPER, Nov. 1, 2012, [http://www.brooklynpaper.com/stories/35/44/all\\_martysubbed\\_2012\\_11\\_02\\_bk.html](http://www.brooklynpaper.com/stories/35/44/all_martysubbed_2012_11_02_bk.html) ("The two politicians, who are both in their final terms, often appear together at borough events—but this is not the first time they've been at odds. Markowitz slammed Bloomberg's decision over a taxi manufacturer—[a] move Markowitz said would cost the borough an 800 job auto plant—in 2011, and the Mayor has vocally disagreed with Markowitz's push for casino gambling in Coney Island."); see also Erin Durkin, *Brooklyn Borough President Marty Markowitz Blasts Mayor Bloomberg over Mex-Built 'Taxis of Tomorrow'*, N.Y. DAILY NEWS, May 4, 2011, <http://www.nydailynews.com/new-york/brooklyn/brooklyn-borough-president-marty-markowitz-blasts-mayor-bloomberg-mex-built-taxis-tomorrow-article-1.140115>.

72. N.Y.C. CHARTER § 82(5).

73. SAYRE & KAUFMAN, *supra* note 12, at 627–28.

74. Holub & Gonikberg-Dolinskiy, *supra* note 2, at 1204.

75. See Joe Anuta, *Candidates Carve Out Concepts on How Best to Be Queens Beep*, TIMESLEDGER, Mar. 28, 2013, [http://www.timesledger.com/stories/2013/13/debatebeep\\_all\\_2013\\_03\\_29\\_q.html](http://www.timesledger.com/stories/2013/13/debatebeep_all_2013_03_29_q.html) ("The most tangible source of power is capital spending. The borough president receives 5 percent of the city's capital budget each year to dole out on whatever projects he or she deems fit."); Lore Croghan, *'A Champion for Brooklyn': Pols Have Raised Big Bucks for Race to Become Borough President*, N.Y. DAILY NEWS, Jan. 14, 2013, <http://www.nydailynews.com/new-york/brooklyn/pols-raising-big-bucks-brooklyn-borough-president-race-article-1.1239314>.

76. Each Community Board is led by a District Manager who establishes an office, hires staff, and implements procedures to improve the delivery of city services to the district.

early 1950s by Manhattan Borough President Robert F. Wagner, Jr. as small councils used to help the Borough President with budgets and planning.<sup>77</sup> Presently, there are a total of fifty-nine Community Boards in New York City.<sup>78</sup> Community Boards are the chief vehicle for citizens to take a proactive role in shaping city politics, and Borough Presidents facilitate this by encouraging Community Board membership and voicing the Boards' concerns to the Mayor or City Council.

Borough Presidents have historically retained close working relationships with Community Boards. This alliance between Borough Presidents and Community Boards was an important response to what many considered to be heartless urban planning efforts crafted by Robert Moses and other wealthy New Yorkers.<sup>79</sup> An example of such an urban planning project was the proposed Manhattan Expressway project, a highway cutting eastbound through Lower Manhattan, linking the Holland Tunnel to the Manhattan and Williamsburg Bridges over the East River.<sup>80</sup> The proposed construction of the project called for the near-total destruction of SoHo, an area home to artists' studios, galleries, small restaurants, and fashion

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While the main responsibility of the board office is to receive complaints from community residents, they also maintain other duties, such as processing permits for block parties and street fairs. Many boards choose to provide additional services and manage special projects that cater to specific community needs, including organizing tenants associations and coordinating neighborhood cleanup programs.

*About Community Boards*, N.Y.C. MAYOR'S CMTY AFFAIRS UNIT, <http://www.nyc.gov/html/cau/html/cb/about/about.shtml#govt> (last visited Sept. 2, 2013).

All five current Borough Presidents make strong attempts to encourage Community Board membership. See *Get Involved in Your Community Board*, OFFICE OF BROOKLYN BOROUGH PRESIDENT MARTY MARKOWITZ, [http://www.brooklyn-usa.org/pages/Community\\_Board/getinvolved.htm](http://www.brooklyn-usa.org/pages/Community_Board/getinvolved.htm) (last visited Sept. 2, 2013); *Community Boards*, OFFICE OF QUEENS BOROUGH PRESIDENT HELEN M. MARSHALL, [http://www.queensbp.org/content\\_web/CB/cb\\_new.shtml](http://www.queensbp.org/content_web/CB/cb_new.shtml) (last visited Sept. 2, 2013); *Community Board Reform and Empowerment*, OFFICE OF MANHATTAN BOROUGH PRESIDENT SCOTT STRINGER, [http://www.mbp.o.org/free\\_details.asp?id=65](http://www.mbp.o.org/free_details.asp?id=65) (last visited Sept. 2, 2013); *Borough President Urges Residents to Join Community Boards*, LO-DOWN, Jan. 3, 2012, <http://www.thelodownny.com/leslog/2012/01/borough-president-urges-residents-to-join-community-boards.html>; *Staten Island Community Boards*, N.Y.C. MAYOR'S CMTY. AFFAIRS UNIT, <http://www.nyc.gov/html/cau/html/cb/si.shtml> (last visited Sept. 2, 2013); Memorandum from Bronx Borough President Ruben Diaz Jr. to All Community Board Applicants (2012), available at <http://bronxboropres.nyc.gov/communityboards/cb2012memo.pdf> ("Thank you for expressing an interest in becoming a community board member. . . . Community boards bring government directly to the people and members play a vital role in ensuring that our neighborhoods receive the services they need to continue to thrive.").

77. Biography of Robert Ferdinand Wagner, N.Y.C. 100, [http://www.nyc.gov/html/nyc100/html/classroom/hist\\_info/mayors.html#wagner](http://www.nyc.gov/html/nyc100/html/classroom/hist_info/mayors.html#wagner) (last visited Sept. 2, 2013); see also Seth Forman, *Community Boards*, GOTHAM GAZETTE, <http://www.gothamgazette.com/lessons/boards.shtml> (last visited Aug. 23, 2013).

78. *About Community Boards*, *supra* note 76. Brooklyn has the largest number of Community Boards with eighteen, followed by Queens with fourteen, Manhattan and Bronx with twelve, and Staten Island with three. *Id.*

79. See, e.g., WEIL, *supra* note 8, at 274–75.

80. The idea for the Lower Manhattan Expressway was put forth in the 1929 *Regional Plan of New York and Its Environs* and was approved by Mayor Fiorello La Guardia in 1940. For a scathing critique of Robert Moses's urban renovation projects, see JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* (1961).

## A CASE FOR AND AGAINST THE BOROUGH PRESIDENT

boutiques. The mobilization of these Community Boards, comprised of tenants, small business owners, and small neighborhood councils, forced the Board of Estimate to unanimously vote in opposition to the proposed expressway.<sup>81</sup>

The Boards most heavily invested in city politics were dubbed “little city halls.”<sup>82</sup> In the later decades of the twentieth century, alliances between the Borough Presidents and these Community Boards facilitated urban renewal efforts, specifically those in Chelsea and Brooklyn Heights.<sup>83</sup> Continuing today, Borough Presidents work closely with Community Boards to properly administer municipal services within the community’s boundaries.<sup>84</sup> Community Boards must be consulted on the placement of most municipal facilities in the community and on other land use issues.<sup>85</sup> Borough Presidents and Community Boards also form a coalition to help deliver municipal services to smaller communities within the borough. Community Boards, together with Borough Presidents, also take an active role in planning and coordinating street fairs, parades, and other civic gatherings.<sup>86</sup> In this respect, Borough Presidents facilitate events and gatherings that foster borough pride.

### V. OBSOLETE OFFICE OR INTEGRAL ADVOCATE? THE FUTURE OF THE BOROUGH PRESIDENCY

Even articles describing the importance of the Borough President in current New York City politics begin with the premise that the position has lost nearly all of its former power and is facing an uncertain future.<sup>87</sup> The current salary of each Borough President is \$160,000. The combined salary of \$800,000 for all five Borough Presidents becomes a rather large target in times of deficits, recessions, and heightened focus on government spending.<sup>88</sup> Although the cost in terms of the Borough Presidents’ salaries is relatively small, a staff in the hundreds is required to support the five

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81. Richard P. Hunt, *Expressway Vote Delayed by City; Final Decision is Postponed After 6-Hour Hearing*, N.Y. TIMES, Dec. 7, 1962, at 32.

82. WEIL, *supra* note 8, at 275.

83. *Id.*

84. N.Y.C. MAYOR’S CMTY. AFFAIRS UNIT, *supra* note 76. The Boards also review applications for changes in or variances from zoning resolutions, which must come before the Board for review, and the Board’s position is considered in the final determination. *Id.*

85. *Id.*

86. *Id.*

87. See Jonathan P. Hicks, *5 Presidents Without (Much) Portfolio; Doubts Are Raised About Largely Ceremonial Borough Chief Post*, N.Y. TIMES, May 12, 1996, at 29, available at <http://www.nytimes.com/1996/05/12/nyregion/5-presidents-without-much-portfolio-doubts-are-raised-about-largely-ceremonial.html>. (“[A] growing number of present and former city officials are saying the position should be scaled back or abolished. Even the borough presidents’ defenders say that the office is most useful as a platform for people seeking higher office.”); see also Anuta, *supra* note 75 (“And when the Board of Estimate was abolished, many questioned whether the position of borough presidents should be retained . . . .”); Croghan, *supra* note 75 (“They’re campaigning for cash—to vie for a job many feel is more about ribbon-cutting than political clout.”).

88. See N.Y.C. CHARTER § 81(c) (2013).

offices, adding millions of dollars to the city's operating expenses.<sup>89</sup> Their annual discretionary budgets lead many commentators to rail against the millions of dollars in taxpayer money spent on “pet projects.”<sup>90</sup>

*A. Cut From the Squad: Why the Boroughs' Main Cheerleaders Should Be Let Go*

Reasons for removal

The three main arguments in favor of abolishing the position in its entirety are that, first, without any real power behind it, the Borough Presidency and its budget are a waste of taxpayer money; second, the position has become a prime example of excessive bureaucracy; and finally, because of the strong Mayor and City Council, the boroughs do not need their own representatives.

In looking at the first argument, it is clear the Great Recession led to greater scrutiny of where and why the government was spending its capital. Accordingly, commentators took aim at the Borough Presidency. Particularly during 2009 and 2010, when the recession was at its worst, the Borough Presidency became a veritable punching bag for columnists attempting to highlight foolhardy government spending.<sup>91</sup> For instance, Brooklyn Borough President Marty Markowitz was lambasted for purchasing a hybrid Toyota Highlander SUV with a touchscreen navigation system.<sup>92</sup> As of 2009, Markowitz's office had a staff of sixty-five and an annual operating budget of \$5.6 million.<sup>93</sup> Despite that, there was an outcry in the news media about the \$50,000 used to refurbish his office; even the postage fees the office paid for mailing newsletters were scrutinized.<sup>94</sup> Likewise, Helen Marshall of Queens was the subject of a scathing inquiry into her stewardship of her discretionary budget.<sup>95</sup> As was the case for Markowitz, Marshall's purchase of \$103,000 worth of office furniture exposed her to intense criticism.<sup>96</sup> No Borough President was immune from the

expensive to run 5 offices

89. See Hicks, *supra* note 87.

90. *Id.*

91. Tina Moore, *Marty Markowitz 'Reinvented' Position as Brooklyn Borough President*, N.Y. DAILY NEWS, Mar. 15, 2009, at 18, available at <http://www.nydailynews.com/new-york/brooklyn/marty-markowitz-reinvented-position-brooklyn-borough-president-article-1.371096>.

92. *Id.*

93. *Id.*

94. *Id.* (“At the same time, Markowitz spent about \$50,000 on office furniture—primarily chairs and desks—and hundreds of thousands of dollars on postal and printing charges to mail 350,000 newsletters four times a year.”).

95. Benjamin Lesser, *Furniture Fit for a Queens Borough President Helen Marshall*, N.Y. DAILY NEWS, Mar. 14, 2009, at 5, available at <http://www.nydailynews.com/new-york/queens/furniture-fit-queens-borough-president-helen-marshall-article-1.369635> (“When it comes to spending taxpayer money on office furniture, nobody touches Queens Borough President Helen Marshall.”).

96. *Id.* (“Last fiscal year, she dropped \$103,000, far more than any of her peers. Most of that—\$82,500—paid for 200 office chairs at about \$400 a chair. Four high back ‘guest chairs’ cost \$2,936, refurbishing Marshall's desk and cabinet cost another \$5,000, and custom drapes installed on 12 oversized windows cost another \$4,985. Other decorative charges include \$4,994 for picture frames and \$2,208 for a backdrop banner.”).

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intense criticism.<sup>97</sup> The focus on every dime spent by a Borough President cultivated greater debate about the need for the position in the long term.

The position was also criticized as unnecessary. New York State Senator Pedro Espada—despite having run for Bronx Borough President in 2001—publicly called for the abolition of the office during a 2010 Charter Review Commission hearing.<sup>98</sup> Espada used both the excessive government and fiscal prudence arguments, arguing that the position must go in order to reduce the budget and that “less government means more citizen empowerment.”<sup>99</sup> Six months earlier, in a bit of entertaining political theater, Republican David Casavis ran for Manhattan Borough President with a campaign promise to abolish the position after his election.<sup>100</sup> Casavis echoed the predominant reasons for abolishing the position: responsibility to the taxpayers and trimming the size of city government.<sup>101</sup> To reinforce his argument about the superfluous nature of the position, he mentioned the considerable size of the Borough Presidents’ staffs compared to the staffs of New York State Assemblymen and State Senators; he then went one step further, comparing Manhattan Borough President Scott Stringer to the Prince of Wales and Paris Hilton.<sup>102</sup>

The third major reason for abolishing the position centers on the rise of the City Council as the predominant legislative body in the wake of the Board of Estimate’s demise. Once the 1989 Charter revisions were ratified, the Borough Presidents instantly lost any authority to craft and vote on the city’s budget.<sup>103</sup> Losing their seats at the table with respect to the budget process made the Borough Presidents obsolete. The Commissioners who developed the 1989 Charter revisions created a highly centralized City Hall, with great power in the hands of the Mayor and City Council.<sup>104</sup> This was in marked contrast to the decentralized power of the Board of Estimate, with the voting power of the Borough Presidents acting as a way to extend power away from the Mayor and City Council. The losses suffered by the Borough Presidents with the demise of the Board were gains for the City Council. As Commissioner

council now has the former powers of the BP

97. Tina Moore, Erin Einhorn & Benjamin Lesser, *Borough Presidents Spend Our Tax Bucks but We Get Little Back*, N.Y. DAILY NEWS, Mar. 17, 2009, at 5, available at <http://www.nydailynews.com/new-york/borough-presidents-spend-tax-bucks-new-yorkers-back-article-1.369625>.

98. See Celeste Katz, *Espada: Let’s Dump the PA and the Beeps*, N.Y. DAILY NEWS, Apr. 13, 2010, <http://www.nydailynews.com/blogs/dailypolitics/2010/04/espada-lets-dump-the-pa-and-be.html>; see also Jose Martinez, *Sen. Espada Signs Up For Beep Race*, N.Y. DAILY NEWS, July 12, 2001, at 1, available at <http://www.nydailynews.com/archives/boroughs/sen-espada-signs-beep-race-article-1.923655>.

99. Katz, *supra* note 98.

100. James Barron, *Win the Job. Then Get Rid of It.*, N.Y. TIMES, Oct. 23, 2009, <http://cityroom.blogs.nytimes.com/2009/10/23/win-the-job-then-get-rid-of-it/>.

101. *Id.*

102. *Id.* (“‘What does Prince Charles do?’ Mr. Casavis said. ‘He shows up and cuts a ribbon. That’s what the borough president does.’ . . . He [Casavis] is also one of the few people who has ever mentioned Paris Hilton in the same sentence as the words ‘borough president’—as in, she would make a fine one. This was after he had explained that the borough presidency is a job for B-list types.”).

103. See Hicks, *supra* note 87, at 29.

104. See Schwarz & Lane, *supra* note 43, at 776.

Schwarz recalled, “besides the decision to eliminate the Board of Estimate, the decision to empower and expand the Council was the Commission’s most important decision.”<sup>105</sup> One of the reasons cited for the empowerment of the City Council was that a stronger legislature would be needed to counterbalance the strength of the Mayor’s office.<sup>106</sup> Furthermore, with the loss of the Board, the Borough President position was now a fully executive office, with no seat on any legislative body. Commentators also point out that the loss of budgetary powers was a death blow to the position.<sup>107</sup> Although the City Council became the sole legislative body in New York City, the 1989 Commission felt that the discretionary budget the Borough Presidents were given was the trade-off for the loss of their former budgetary powers.<sup>108</sup>

The rise of the City Council in stature, the heavier scrutiny on discretionary government spending, and the rally against big government are all placed on the scales in weighing whether to retain or abolish the position of Borough President. Working against the Borough Presidents, and in favor of abolishing the office, is the fact that the position was supplanted by the City Council, and lost all legislative power with the abolition of the Board of Estimate in the 1989 revisions. Those who argue that the Borough Presidents’ discretionary budget is a waste of taxpayer money can point to the fiscal constraints and harsh realities of the present-day economy for support. Despite those criticisms, proponents of the office raise arguments that the Borough Presidents are vital to keeping all five boroughs equally vibrant.

*B. The Super City’s Special Executives: Keeping the Borough Presidents*

When the borough system was created in 1898, it cultivated a dual form of civic pride: pride in one’s city coupled with pride in one’s borough.<sup>109</sup> Borough identities have been shaped throughout generations by immigration patterns, the service versus manufacturing dynamic of the city’s economy, and even the bridges and expressways bisecting and connecting the metropolis.<sup>110</sup> In the post-1989 city government, a byproduct of the Borough Presidents’ lack of de jure political power is the ease and candor with which they can be outspoken voices in favor of their borough’s interests.<sup>111</sup>

The heightened visibility of the position to the citizens of each borough makes the Borough Presidency more than a mere ceremonial position in community governance.

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105. *Id.*

106. *Id.* at 777.

107. *See Hicks, supra* note 87, at 29.

108. *See Schwarz & Lane, supra* note 43, at 846–52.

109. *See SAYRE & KAUFMAN, supra* note 12, at 11–32; *see also* Holub & Gonikberg-Dolinskiy, *supra* note 2, at 1210.

110. *See SAYRE & KAUFMAN, supra* note 12, at 11–32.

111. *See* Dao, *supra* note 58; *see also* Maggie Hayes, *Borough President Marshall Fights Mayor’s Budget Cuts*, QUEENS COURIER, Feb. 28, 2013, <http://queenscourier.com/2013/queens-borough-president-fights-mayors-budget-cuts/>; Clarissa Wei, *Borough President Stringer Speaks Out Against Proposed Firehouse Closings*, OFFICE OF MANHATTAN BOROUGH PRESIDENT SCOTT STRINGER (Apr. 21, 2010), [http://www.mbpo.org/blog\\_details.asp?id=399](http://www.mbpo.org/blog_details.asp?id=399).

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But those who argue that the position is merely ceremonial forget that visibility to the citizenry is an integral aspect of community governance, and a community as large and diverse as New York City is no different. For instance, a *New York Times* article described a day in the life of former Brooklyn Borough President Howard Golden in 1996:

Mr. Golden, like his counterparts, keeps a fast-paced schedule. On one recent day, he shuttled between a meeting of community board leaders at one end of Borough Hall and a group of Brooklyn assembly members and college presidents at the other.

Later, his chauffeur drove him to Bushwick, where he swore in new officers at a center for the elderly, then to Bedford-Stuyvesant to a fund-raising event for a political ally. On other days, he sends out press releases, cuts ribbons, officiates at dedications, talks to neighborhood groups and listens to their complaints. He is greeted at each stop with enthusiasm, sometimes elation.<sup>112</sup>

The portrayal of Golden's daily routine shows a man doing what most citizens would want a community leader to do: traversing the entire borough, meeting with leaders from schools and various civic groups, and engaging and listening to those who approach him.<sup>113</sup>

A peculiar aspect to New York City politics that makes the office of Borough President increasingly relevant is that the third-most-populated borough, Manhattan, is the political and economic heart of the city.<sup>114</sup> Because of this, the four Borough Presidents from the outer boroughs are important for counterbalancing a Manhattan-centered city government. In what was an ominous sign of things to come, David Dinkins, the last Manhattan Borough President to wield power through the Board of Estimate and the only Borough President not to openly criticize the 1989 proposals, went on to be elected Mayor on the same night that the Schwarz Commission's Charter proposals were ratified by the electorate.<sup>115</sup> Just as the 1898 Charter revisions and New York City's consolidation decentralized the city's government by creating separate counties within Greater New York City, the 1989 revisions brought power back to City Hall and away from the boroughs. Since that time, the outer boroughs, while representing nearly three-fourths of the voting power

BPs are needed to counterbalance the Manhattan-centric city power

112. Hicks, *supra* note 87, at 29.

113. Today, Borough Presidents Stringer and Diaz heavily utilize Facebook to communicate with constituents. Borough Presidents Stringer, Markowitz, and Diaz all use Twitter each day to engage with the public and foster borough pride. See <https://twitter.com/scottmstringer>; <https://twitter.com/rubendiazjr>; <https://twitter.com/MartyMarkowitz>.

114. As of the 2010 census, the population in each borough was as follows: Brooklyn: 2,504,700; Queens: 2,230,722; Manhattan: 1,585,873; Bronx: 1,385,108; and Staten Island: 468,730. According to Census Bureau population estimates, New York City's population increased from 8,175,133 in April 2010 to 8,336,697 in July 2012. This is an increase of 161,564 residents or about two percent over the 2010 mark. The largest percentage change in the city's population occurred in Brooklyn, which grew by 2.4% or 60,900 persons, followed by Manhattan (2.1% or 33,200 persons), Queens (1.9% or 42,000 persons), and the Bronx (1.7% or 23,400 persons). Staten Island (0.4% or 2000 persons) showed the smallest gains over the twenty-seven-month period. See *Current Population Estimates for July 2012*, N.Y.C. DEP'T OF CITY PLANNING, <http://www.nyc.gov/html/dcp/html/census/popcur.shtml> (last visited Sept. 2, 2013).

115. See Schwarz & Lane, *supra* note 43, at 729.

BPs are separate from the central government, allowing them to better represent the outer boroughs

in the city, sometimes feel like second-class entities under the Manhattan-centered city government.<sup>116</sup> The Borough Presidents' independence from the Mayor and City Hall serves to protect the interests of the outlying boroughs, making the Borough President an indispensable position.

Borough Presidents are cognizant of a perceived Manhattan-dominated government and offer rebuttals to the calls for abolishing the position itself.<sup>117</sup> Former Queens Borough President Claire Shulman offered these sentiments in response to those questioning the need for the position: “[i]f those people decide that borough presidents should be eliminated, let me tell you what will happen, the four boroughs outside of Manhattan will become beggars, and most of the important resources of the city will go to Manhattan.”<sup>118</sup> Shulman opined that, with a combination of political acumen and fierce advocacy, she accomplished real change for Queens. Among her accomplishments were new cultural institutions at Flushing Meadows Corona Park, a sewer system installed in southeast Queens, and the construction of Queens Hospital Center in Jamaica.<sup>119</sup>

Critics of the Borough Presidency also fail to offer feasible alternatives that promote the interests of each borough and foster political accountability to constituents. For example, in lieu of the Borough Presidency, commissions could be formed or special executives appointed, each responsible for handling the day-to-day intra-borough affairs. Staten Island Borough President Molinaro warned that because the city is so large, the Mayor would have to appoint a person to run the day-to-day municipal services for each borough anyway. Proponents of the Borough Presidency opine that a commission or special executive in charge of each borough would be beholden to the Mayor's office.<sup>120</sup> Having an elected representative fosters greater accountability and furthers the borough's interests greater than an “unelected aid to the mayor” would.<sup>121</sup> Molinaro pointed out that each outer borough has a greater population than most notable small cities in the United States.<sup>122</sup> That being the case, it is simply not feasible to govern a vast city of over eight million residents with a Mayor and City Council situated in one central borough.

116. See N.Y.C. Bd. of Elections, STATEMENT AND RETURN REPORT FOR CERTIFICATION: GENERAL ELECTION 2009 (2009), available at <http://vote.nyc.ny.us/downloads/pdf/results/2009/General/1.11CitywideMayorRecap.pdf>; see also Bruce N. Gyory, *Battle for Mayor Will Come Down to Outer Boroughs*, CITY & STATE, Dec. 4, 2012, <http://www.cityandstateny.com/battle-for-mayor-will-come-down-to-outer-boroughs/> (“Manhattan dominates Gotham’s finance and media industries—and hence the culture of New York—but the outer boroughs hold the vast majority of voters (in 2010 casting 69 percent of the Democratic primary vote and 74 percent of the general election vote).”).

117. Anuta, *supra* note 75.

118. *Id.*

119. *Id.*

120. Editorial, *Why Staten Island Needs a BP: Each Borough Should Have Its Own ‘Mayor’*, STATEN ISLAND ADVANCE, Mar. 3, 2013, [http://www.silive.com/opinion/editorials/index.ssf/2013/03/why\\_we\\_need\\_a\\_bp\\_each\\_borough.html](http://www.silive.com/opinion/editorials/index.ssf/2013/03/why_we_need_a_bp_each_borough.html).

121. *Id.*

122. With over 400,000 residents, Staten Island, the least populated borough, still has a larger population than Atlanta, Cleveland, Miami, and Minneapolis. Each of those cities has its own Mayor. *Id.*

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As many have pointed out, the power wielded by the City Council to shape citywide policy supplants much of the power of the Borough Presidency, to the point where calls for the abolition of the position have gained traction. But the City Council's clout can fluctuate depending upon who is in the Mayor's office, while the Borough Presidents can consistently use their influence to speak out for or against certain policies. Moreover, the Borough President, as an executive with control over a budget, can respond more quickly as issues arise. Given the problems facing the city, such as gun violence, education, and post-Hurricane Sandy recovery, a determined Borough President could still accomplish great things. For instance, as the Bronx suffered in the wake of aging public housing and affordable care, Borough President Diaz directed over \$20 million of the office's capital budget into projects to revitalize the Bronx.<sup>123</sup> Twenty-four percent of the discretionary budget went toward housing developments, including 110 units of mixed-use housing, as well as a solar thermal project to create green energy for existing buildings.<sup>124</sup> Because there is always a demand for housing in New York City, urgency in crafting remedial measures might have been lacking but for the work of Borough President Diaz's office.

Diaz's success

Over in Manhattan, Borough President Stringer's office continually produces comprehensive reports on future economic development in the borough. A report entitled *Start-Up City* was published in December of 2012 with the goal of fostering entrepreneurialism in Manhattan; the report detailed suggested reforms and ways to encourage start-up businesses in the twenty-first-century economy.<sup>125</sup> Stringer's report identified certain aspects of the city's building code that were hindering construction and development of office space, including space that could potentially accommodate small entrepreneurs.<sup>126</sup> Stringer's work on this and other topics raised awareness of areas of city government in need of reform. In this respect, the work done by the Borough President can act as a precursor to later legislative initiatives.

Stringer success

These examples show how a driven Borough President can actively assist in addressing a borough's social and economic ills. The proximity of the office to the population, the foresight concerning many issues that accompanies that proximity, and the office's ability to respond more quickly than a legislative body counterbalances its lack of formal political power in the post-Board of Estimate city government.

### *C. The 2013 Elections and a New Wave of Borough Presidents*

The year 2013, the twenty-fourth anniversary of voters' approval of the 1989 Charter revisions, may be remembered as a year of transition. On Election Day 2013,

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123. Press Release, Bronx Borough President Ruben Diaz, Jr., Borough President Diaz Provides Nearly \$23 Million in Funding for Bronx Organizations, *available at* <http://bronxboropres.nyc.gov/press/releases/2012-07-09.html> (last visited Sept. 2, 2013).

124. *Id.*

125. OFFICE OF MANHATTAN BOROUGH PRESIDENT SCOTT STRINGER, *START-UP CITY: GROWING NEW YORK'S ENTREPRENEURIAL ECOSYSTEM FOR ALL* (Dec. 2012), *available at* <http://www.mbp.org/uploads/StartupCity.pdf>.

126. *Id.* at 14-16.

the people of New York will elect at least four new Borough Presidents. Marty Markowitz, Helen Marshall, and Guy Molinaro have reached their term limits, while Scott Stringer is seeking the citywide office of Comptroller.<sup>127</sup> Opportunity abounds to reinvigorate the position. For instance, since the 1989 revisions, only Guy Molinari and James Molinaro have held the Borough Presidency in Staten Island.<sup>128</sup> Likewise, only Claire Shulman and Helen Marshall have presided over Queens, and only Howard Golden and Marty Markowitz have held the office in Brooklyn.<sup>129</sup> If the spending errors of past Borough Presidents can serve as guidance, the new candidates coming to the forefront in the next election cycle are now armed with greater understanding of what it takes to thrive in this present political climate.<sup>130</sup>

The 2013 races for the Borough Presidencies have taken shape and the candidates are determined to learn how to maximize their effectiveness with the office's limited powers. Evidence of this is exhibited in the races for Brooklyn and Queens Borough President.<sup>131</sup> According to State Senator and candidate for Brooklyn Borough President Eric Adams, "People misunderstand and think the borough president has lost the ability to lead."<sup>132</sup> Adams says he has thoroughly studied the City Charter in order to better understand the extent of the office's powers,<sup>133</sup> and has vowed to use those powers to introduce legislation directly to the City Council, in accordance with section 82 of the Charter.<sup>134</sup> Even more telling was his statement that "I have no desire to spend the next four years cutting ribbons only."<sup>135</sup> Adams said he will immediately get involved with a fresh crop of Community Board members and tackle some of Brooklyn's most daunting problems by ordering studies and holding hearings on gun violence,<sup>136</sup> obesity, and health care.<sup>137</sup>

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127. David W. Chen, *Candidates Are Lining Up For Top Posts on '13 Ballot*, N.Y. TIMES, Nov. 28, 2012, at A25, available at [http://www.nytimes.com/2012/11/29/nyregion/races-for-top-offices-on-new-yorks-ballot-in-2013-take-shape.html?\\_r=0](http://www.nytimes.com/2012/11/29/nyregion/races-for-top-offices-on-new-yorks-ballot-in-2013-take-shape.html?_r=0).

128. See OFFICE OF THE STATEN ISLAND BOROUGH PRESIDENT, <http://statenislandusa.com> (last visited Sept. 2, 2013).

129. See OFFICE OF BROOKLYN BOROUGH PRESIDENT MARTY MARKOWITZ, <http://www.brooklyn-usa.org> (last visited Sept. 2, 2013); OFFICE OF QUEENS BOROUGH PRESIDENT HELEN M. MARSHALL, <http://www.queensbp.org> (last visited Sept. 2, 2013).

130. See Croghan, *supra* note 75; Anuta, *supra* note 75.

131. See Croghan, *supra* note 75; Anuta, *supra* note 75.

132. Croghan, *supra* note 75.

133. *Id.*

134. *Id.*; see also N.Y.C. CHARTER § 82(11) (2013).

135. Croghan, *supra* note 75.

136. Candidate Adams has placed gun control and police-to-citizen interaction at the forefront of his campaign—fitting since Brooklyn was the deadliest borough in terms of total murders. Croghan, *supra* note 75; see also Joe Kemp, *Brooklyn Leads City in Total Murders*, N.Y. DAILY NEWS, May 18, 2012, <http://www.nydailynews.com/new-york/brooklyn-leads-city-total-murders-article-1.1080962>.

137. See Anuta, *supra* note 75.

**VI. KEEP THE “BEEP”: FINAL THOUGHTS ON THE BOROUGHS’ NEED FOR AN EXECUTIVE AND SPOKESPERSON**

Since the consolidation and creation of Greater New York City in 1898, New York City politics can be characterized as a pendulum swinging between centralization and decentralization, between City Hall and the outer boroughs. Because of the strong Mayor and City Council in city politics today, the position of Borough President ought to be retained to facilitate progress at the local level and protect the outer boroughs. Those in favor of abolishing the position have failed to articulate ways to provide for the outer boroughs and avoid a Manhattan-based focus on city politics. Because each borough faces its own unique issues, Borough Presidents can use their discretionary budget and collaborative efforts with Community Boards and concerned citizens to respond faster than a traditional legislative body.

needs to be better solution for outer borough needs before abolition of BP

The myriad candidates vying for the office represent a brighter future for the position. Although the office’s power is diminished when compared to the days of the Board of Estimate, Borough Presidents today have a more comprehensive knowledge of their own powers and limitations. As Dick Dadey, Executive Director of Citizens Union, has remarked, the position’s power depends on the personality of who is in office.<sup>138</sup> Moreover, the vigor with which candidates discuss their plans for the future of the boroughs points to the continued validity of the position as well. The fact that candidates are leaving positions such as City Council Member or State Senator—legislative positions traditionally holding more political clout—indicates that the Borough Presidency is more appealing than critics acknowledge.<sup>139</sup> The position is a stepping stone to more prestigious citywide government positions, such as Comptroller or Mayor, and it is a unique proving ground. The competition for the office draws candidates eager to show themselves as diligent stewards over budgets and capable facilitators of grassroots legislative change in areas of social need.

The five boroughs combine to create the most populated city in the United States.<sup>140</sup> Abolishing a position designed to advance the interests of the individual boroughs within the city would be a mistake. No doubt the position is at a crossroads, but now that the office’s powers have been clarified following the 1989 Charter revisions, a new wave of Borough Presidents can facilitate positive changes in city government. The office allows the Borough President to go against the grain when he or she fears citywide policies are generating negative effects in one particular borough. Moreover, the city’s diverse population does not always share a unified vision. For these reasons, the office is an often overlooked and indispensable part of New York City government.

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138. *Id.*

139. *See* Croghan, *supra* note 75. Both State Senator Eric Adams and City Councilman Domenic Recchia have raised over \$100,000 toward their respective campaigns for Brooklyn Borough President. Anuta, *supra* note 75. State Senator Tony Avella (D-Bayside), City Councilman Leroy Comrie (D-St. Albans), Director of Community Boards Barry Grodenchik, former State Assemblywoman Melinda Katz, State Senator Jose Peralta, and Councilman Peter Vallone Jr. are all vying to replace Queens Borough President Helen Marshall in the November 2013 election.

140. *The Most Populated Cities in the United States*, NATIONSONLINE.ORG, [http://www.nationsonline.org/oneworld/most\\_pop\\_cities\\_usa.htm](http://www.nationsonline.org/oneworld/most_pop_cities_usa.htm) (last visited Aug. 23, 2013).

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