



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EXECUTIVE ORDER NO. 5

January 23, 1990

MAYOR'S ADVISORY COMMITTEE ON APPOINTMENTS

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Purpose. Appointments to commissions, boards and other public bodies which perform vital functions in regulating and overseeing industry, health standards, land use and other activities in the City should be based on merit. Such appointments should be reflective of the City's population and include minorities, women and members of other groups which contribute to our unique and diverse social fabric. To this end, there shall be a Mayor's Advisory Committee on Appointments, whose function it shall be to recruit, evaluate, and nominate for my consideration the best qualified candidates for appointment to the commissions and boards named herein, and to any other bodies which I may from time to time designate. The appointment of this Committee will help ensure that the City is served by the most qualified persons available.

Section 2. Committee Established. The Mayor's Advisory Committee on Appointments (hereinafter called the Committee) is hereby established to recruit, to evaluate, to consider and to nominate candidates fully qualified for appointment, and to evaluate incumbent members for reappointment, to the following commissions and boards: Art Commission, Board of Health (other than the chair), Board of Standards and Appeals, City Planning Commission (other than the chair), Conflicts of Interest Board, Landmarks Preservation Commission, Tax Commission, Taxi and Limousine Commission and the public members of the Environmental Control Board, and any other commission, board or public body as shall be determined by the Mayor.

Section 3. Committee Membership.

(a) The Committee shall be appointed by the Mayor and shall consist of seven members, including a chair, each residing or having a principal place of business in the City of New York. The members may, in their discretion, designate adjunct members who shall function under section four as voting members with regard to appointments and reappointments to specific commissions, boards or other public bodies. Adjunct members, if so designated, shall be professionals or knowledgeable persons of high standing with expertise appropriate for enabling the Committee to make a reasoned, informed and impartial evaluation of candidates for the offices referred to in section two. If so designated, there shall be between two and four adjunct members for each commission, board or other public body for which candidates are evaluated according to the determination of the members.

(b) Members shall be appointed for two year periods and may be reappointed by the Mayor. Adjunct members shall function under section four as voting members until the appointments or reappointments for which they have been designated are confirmed and may be redesignated at the discretion of the full members. Vacancies in the Committee shall be filled in the same manner as initial appointments.

(c) No person shall be considered by the Committee for any position covered by this Order while serving as a member of the Committee.

Section 4. Functions. The Committee shall:

(a) Recruit for consideration persons who are fully qualified for appointment to the offices referred to in section two, receive recommendations of persons for consideration as provided by law, and accept applications from persons seeking appointment to such offices;

(b) Evaluate and conduct all necessary inquiry to identify those persons whose character, ability, training, experience, temperament and commitment to public service fully qualify them for such offices;

(c) Refer to the Department of Investigation for screening all persons the Committee proposes to nominate for appointment;

(d) Nominate for consideration by the Mayor three or more candidates for appointment to any vacancy arising in an office referred to in section two, and submit to the Mayor such information as may be necessary to inform the Mayor of the qualifications of each nominee; provided that when pursuant to law the Mayor receives nominations for appointments from other persons or bodies, the Committee shall consider such nominations and report its recommendation in favor of or against the appointment of such

persons to the Mayor; and provided, further, that if there is more than one vacancy on any commission, board or other public body or more than one initial appointment to be made to a new commission, board, or public body, the Committee may submit fewer than three nominations for each vacancy or initial appointment, unless the Mayor specifically requests three nominations;

(e) Evaluate the qualifications of incumbents in offices referred to in section two for reappointment and report the Committee's recommendation to the Mayor, provided that if the Committee shall recommend against reappointment it shall nominate three or more candidates for appointment to the office.

(f) Act expeditiously to assure that nominations are timely made, and may begin the process of considering nominees for a vacancy before the term of the incumbent expires.

Section 5. Continuing Validity of Nominations. After a nominee is appointed, the remaining nominations shall be valid for appointment to any vacancy occurring in that commission, board or other public body within six months after their submission to the Mayor; provided, however, that the Committee may nominate additional persons to fill any such vacancy, and may renominate persons for any such vacancy occurring more than six months after their prior submission.

Section 6. Confidentiality. All Committee communications concerning the qualifications of candidates shall be made and held in confidence, except if disclosure is necessary and proper to the conduct of Committee business.

Section 7. Committee Action and Procedure. The Committee may adopt such procedures and policies as it may deem appropriate to its functions, including standards for evaluating the qualifications of candidates for nomination and criteria for recommending the reappointment of incumbents.

Section 8. Financing and Staff.

(a) Members of the Committee shall receive no compensation for their service as members.

(b) The Committee shall be provided with paid staff and sufficient facilities to carry out its functions.

(c) Members of the Committee shall be reimbursed for necessary expenses incurred in connection with the responsibilities of the Committee.

Section 9. Prior Orders Revoked. Executive Order No. 90, dated March 13, 1986, and Executive Order 92, dated May 14, 1986, which amended the prior order, are hereby revoked.