

CITY COUNCIL  
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

-----X

February 26, 2009

Start: 3:20pm

Recess: 3:56pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
DIANA REYNA  
Chairperson

COUNCIL MEMBERS:  
Christine C. Quinn, Speaker  
Maria del Carmen Arroyo  
Maria Baez  
Gale A. Brewer  
Leroy G. Comrie, Jr.  
Inez E. Dickens  
Erik Martin Dilan  
Lewis A. Fidler  
Daniel R. Garodnick  
Vincent J. Gentile  
Vincent Ignizio

## A P P E A R A N C E S

## COUNCIL MEMBERS:

Robert Jackson  
Melinda R. Katz  
John C. Liu  
James S. Oddo  
Annabel Palma  
Joel Rivera  
Helen Sears  
David I. Weprin

## A P P E A R A N C E S (CONTINUED)

Michael S. Phillips, MD  
Nominee  
nyc Board of Health

John Peter Sipp, Jr  
Nominee  
Nyc Board of Elections

Michael McSweeney  
Nominee  
City Clerk, Clerk of the Council

CHAIRPERSON REYNA: Good afternoon.

I wanted to just excuse our committee for the delay. We have settled to begin this committee.

I welcome everyone. This is the Committee on Rules, Privileges and Elections. My name is Diana Reyna and I am Chair of this committee. Before we begin I would like to introduce my colleagues. To my left is Council Member Gale Brewer, Council Member Inez Dickens, Council Member Louis Fidler; to my right Council Member Maria Baez, Council Member Joel Rivera, Council Member Melinda Katz, Council Member Vinny Gentile, Council Member Leroy Comrie, Council Member Maria del Carmen Arroyo, Council Member Annabel Palma. I know there are a few more trickling in to the room. Council Member Helen Sears has joined us.

Today the Rules Committee will be considering the following matters: three candidates for review and a resolution approving membership changes to certain standing committees. First, the appointments will be heard. Dr. Michael Phillips a resident of Brooklyn, Mayoral appointment to the Board of Health. If appointed, Dr. Phillips will succeed Dr. Angela Diaz and

1  
2 serve for the remainder of a six year term that  
3 expires May 31, 2013.

4           John Peter Sipp, Jr. is being  
5 considered for appointment by the Council as the  
6 Republican Commissioner from Richmond County. If  
7 appointed, Mr. Sipp will replace Maryann Unella  
8 and serve for a four year term that ends on  
9 December 31, 2012. For the record, his  
10 certificate for party recommendation was properly  
11 formatted and submitted.

12           Michael McSweeney is being  
13 considered for appointment as City Clerk. If  
14 appointed, Mr. McSweeney, a resident of Queens  
15 County, will fill a vacancy and serve the  
16 remainder of a six year term that expires on May  
17 12, 2012.

18           Let's start with Dr. Phillips, the  
19 candidate for the Board of Health. Dr. Phillips  
20 please raise your right hand and be sworn in by  
21 counsel.

22           COUNSEL: Do you swear or affirm to  
23 tell the truth, the whole truth and nothing but  
24 the truth?

25           DR. MICHAEL PHILLIPS: I do.

1  
2 CHAIRPERSON REYNA: Thank you very  
3 much. The Board is part of the New York City  
4 Department of Health and Mental Hygiene. The  
5 Board's chairperson is the Commissioner of the  
6 Department. The main function of the Board is to  
7 promulgate the New York City health code, which  
8 encompasses any matter within the jurisdiction of  
9 the Department. The Department has jurisdiction  
10 to regulate on all matters affecting health in  
11 this city including but not limited to, mental  
12 health, mental retardation, alcoholism and  
13 substance abuse, related needs of city residents.

14 The scope of the Department's  
15 jurisdiction includes such diverse disciplines as  
16 communicable diseases, environmental health  
17 services, radiological health, food safety,  
18 veterinary affairs, water quality, pest control  
19 and vital statistics. New emerging pathogens and  
20 biological warfare are the most recent additions  
21 to the Department's roster of concerns. The Board  
22 also was charged with certain administrative  
23 responsibilities such as the issue and suspension  
24 or revocation of permits. For example, food  
25 vendor permits.

1  
2           The Board may declare a state of  
3 great and eminent peril and take appropriate steps  
4 subject to Mayoral approval and can declare  
5 certain conditions as nuisance and order that such  
6 conditions be abated or otherwise corrected.

7           Besides the Chairperson, the Board  
8 consists of ten members, five of whom shall be  
9 doctors of medicine who must have at least ten  
10 years experience in any or all of the following:  
11 clinical medicine, neurology, psychiatry, public  
12 health administration or college university public  
13 health teaching. The other five members need not  
14 be physicians but shall hold at least a masters  
15 degree in either environmental, biological,  
16 veterinary, physical or behavioral health or  
17 science or rehabilitative science or in a related  
18 field with at least ten years of experience in  
19 their respective fields.

20           The Chairperson of the Mental  
21 Hygienic Advisory Board is required to be one of  
22 the ten board members provided that such  
23 individual meets the requirements for Board  
24 membership. The nine board members other than the  
25 Chairperson and the member who shall be the

1  
2 Chairperson of the Mental Hygiene Advisory Board  
3 serve without compensation and are appointed by  
4 the Mayor for a term of six years. Welcome Dr.  
5 Phillips.

6 DR. PHILLIPS: Thank you.

7 CHAIRPERSON REYNA: I'd like you to  
8 express to the Committee any statement you have  
9 prepared.

10 DR. PHILLIPS: Thank you. First I  
11 would like to thank the Committee for considering  
12 my appointment to the Board of Health. Actually I  
13 consider it a great honor to be here. I worked at  
14 the Department of Health and Mental Hygiene for  
15 about six years. In that time I came to  
16 understand the tremendous impact that local  
17 government can have on the public's health.

18 Since I moved to healthcare  
19 approximately two years ago working as a  
20 infectious disease clinician at Bellevue Hospital,  
21 and the hospital epidemiologist at NYU were  
22 concerned with hospital based infections. I  
23 really appreciate the importance of thoughtful  
24 health related policy. So I just thank you for  
25 considering my appointment.

1  
2 CHAIRPERSON REYNA: Thank you very  
3 much. Are there any questions from the committee?  
4 I'd like to move on to Mr. Sipp. I will briefly  
5 describe the functions of the Board of Elections.

6 The Board of Elections consists of  
7 ten commissioners, two from each of the city's  
8 five counties who are directly appointed by the  
9 NYC Council. Not more than two commissioners  
10 shall be registered voters of the same county.  
11 Each commissioner serves a term of four years or  
12 until a successor is appointed. Commissioners  
13 shall be registered voters from each of the major  
14 voters in the county for which they are appointed.

15 The Board and its commissioners are  
16 responsible for the maintenance and the  
17 administration of voting records and elections.  
18 The Board also exercises quasi-judicial powers by  
19 conducting hearings to validate nominating  
20 petitions of candidates for nominations to elected  
21 office. The Board is required to make an annual  
22 report of its affairs and proceedings to the New  
23 York City Council once every 12 months and no  
24 later than the last day of January in any year.

25 Commissioners receive a \$300 per

1  
2 diem for each day's attendance at meetings of the  
3 Board or any of its committees with a maximum of  
4 \$30,000 per year. Welcome Mr. Sipp, will you  
5 please raise your right hand and be sworn in by  
6 Counsel.

7 COUNSEL: Do you swear or affirm to  
8 tell the truth, the whole truth and nothing but  
9 the truth?

10 MR. SIPP: I do.

11 CHAIRPERSON REYNA: We have been  
12 joined by Council Member Erik Martin Dilan who is  
13 here. We have been joined by Vincent Ignizio from  
14 Staten Island and by Council Member Jimmy Oddo  
15 from Staten Island. I'd like to request if Mr.  
16 Sipp would like to share a few words with this  
17 committee.

18 MR. SIPP: It's na honor to be here  
19 today. If appointed I look forward to serving the  
20 city and the voters of this city in the capacity  
21 as commissioner. I believe that voting is the  
22 cornerstone of our democracy and that it is  
23 important and I will strive to make sure my  
24 position, if appointed, that elections will  
25 continue to be free, open and fair and free of any

1  
2 discrimination in any form. I look forward to  
3 serving. Thank you very much.

4 CHAIRPERSON REYNA: I'd like to ask  
5 my committee members if they have any questions.  
6 I have Vincent Ignizio. Before I turn it over to  
7 Council Member Ignizio I wanted to recognize  
8 Council Member David Weprin and Council Member  
9 Daniel Garodnick, who just walked in. Thank you.  
10 Council Member Ignizio.

11 COUNCIL MEMBER IGNIZIO: Thank you  
12 very much. To my colleagues I want to let you  
13 know somewhat of the relationship that JP Sipp has  
14 with both the party and myself. He served as my  
15 lord chairman when I was Chairman of this party  
16 and we've known each other for nearly 12 years  
17 now. This is a man of unquestioned character and  
18 integrity; someone who will serve this board well,  
19 somebody with energy and vitality that this Board  
20 sorely lacks and requires.

21 In terms of reformation, I think JP  
22 will be somebody that will hold out to  
23 Republicans and Democrats alike. That is on the  
24 side of fairness, that will be and someone that we  
25 wholeheartedly, speaking for myself and my

1  
2 colleague is going to speak as well James Oddo, we  
3 believe in him and I would not stand before you  
4 and acknowledge and recommend somebody lightly.  
5 This is someone that I know is of unquestioned  
6 integrity and somebody you all will call upon  
7 should you need to support fairness in the  
8 electoral process in the City of New York. Thank  
9 you very much.

10 CHAIRPERSON REYNA: Daniel

11 Garodnick.

12 COUNCIL MEMBER GARODNICK: Thank  
13 you very much Madam Chair. I want to start off by  
14 expressing my deference to my colleagues from  
15 Staten Island on the appointment of Mr. Sipp on  
16 the subject of the Board of Elections. But as is  
17 accustomed, there are a few questions that I would  
18 just like to put to the Board of Elections  
19 candidates because I think that this is an agency  
20 that is ripe for reform and for energy and new  
21 blood. I think that we have a real opportunity  
22 here.

23 So Mr. Sipp, I wanted to just see  
24 if you could just share with us some of your  
25 priorities for improving the current structure of

1

2 the Board of Elections or any of its practices.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. SIPP: In terms of structure, if you mean the running of the elections, I believe that the compliance with HA VA right now on a stated effort to really make compliance. And make sure we have the newest technologies, not only the newest technologies but to make sure that the individuals that are working for the Board are able to utilize, apply and instruct the voters when they appear at the polling site on how to use this technology so it doesn't create confusion or delays.

I can say that I just recently voted and there was an issue with the B and D that I was voting on. I had used it in my site and I was fortunate enough to have an inspector at the site, Karen Chestnut, who was able to instruct and assist me in correcting the error that had occurred. So I feel that the training is something that has to be focused on. And finding the appropriate individuals to instruct the workers and also enable workers to better assist voters at polling sites to make the voter feel more confident about the experience and make sure

1

2 the voter is assured the best possible way that  
3 his or her vote was counted.

4

COUNCIL MEMBER GARODNICK: I agree  
5 with you completely. I think that one of the  
6 issues I've seen is poll workers who don't turn up  
7 on the day of the election or poll workers who do  
8 not go through the requisite trainings that  
9 they're supposed to. One of the things that we  
10 will count on from you as a member of the Board is  
11 an insistence that when we have poll workers and  
12 requirements for them and demands on their time  
13 that they live up to those obligations. Is that  
14 something we can count on from you?

15

MR. SIPP: Yes, Councilman, it is.

16

COUNCIL MEMBER GARODNICK: Thank  
17 you. Let's talk about some of the other issues  
18 that are out there, issues of early voting or same  
19 day registration. So many of us watched as people  
20 around the country in this last election took  
21 advantage of some of these early voting procedures  
22 and ways to be able to cast a vote not on the  
23 election day itself. New Yorkers, of course, are  
24 the busiest people in the world.

25

My view is that we should be able

1  
2 to give people as many opportunities to be able to  
3 cast the ballots in a way free from fraud but also  
4 protects their time and their ability to cast a  
5 ballot. Do you have any feeling on either early  
6 voting or same day registration or even a concept  
7 of no fault absentee balloting where you don't  
8 have to state a reason that you're going to be out  
9 of the state, rather you just can't get to the  
10 polls that day.

11 MR. SIPP: I feel that early inside  
12 polling will possibly be a benefit. Again, I  
13 don't have any studies before me that actually  
14 show that people take advantage of it. I believe  
15 in a city like New York, people absolutely will  
16 take advantage of it. The concern is that I would  
17 have is one, a cost benefit analysis would have to  
18 be done to make sure that if you have the inside  
19 polling that the amount that you're paying is  
20 actually benefiting the system. Secondly, there's  
21 an issue of custody that I would be concerned  
22 about, i.e., how you have to have the paper  
23 ballots. What's the chain of custody? How do you  
24 protect these issues? Those are two issues that I  
25 would be concerned about but overall, obviously,

1  
2 if you could provide more access to the voters in  
3 the City of New York, that is a benefit.

4 COUNCIL MEMBER GARODNICK: I'm  
5 sorry. Continue.

6 MR. SIPP: No, that's...

7 COUNCIL MEMBER GARODNICK: Thank  
8 you for that. So it sounds like you have some  
9 questions on custody or issues on preventing  
10 fraud, which I think is appropriate.

11 MR. SIPP: It might not be fraud  
12 but just custody of them themselves. Potentially,  
13 fraud may be a problem but you want to maintain  
14 the custody so votes are not lost. It's not just  
15 a fraud issue, it's a logistical issue as well.

16 COUNCIL MEMBER GARODNICK:  
17 Understood. But you are open to the possibility  
18 of early voting?

19 MR. SIPP: Absolutely.

20 COUNCIL MEMBER GARODNICK: And open  
21 to the possibility of same day registration?

22 MR. SIPP: I'm a little less solid  
23 on the same day registration. I don't know if  
24 with the same day registration, not necessarily  
25 voting on a machine but I'm not very solid on same

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

day registration. I think that could create more troubles.

COUNCIL MEMBER GARODNICK: What if you had same day registration in the context of early voting? Where you open the polls at county headquarters for people to vote as they would on election day but they can come in and because they're showing up at a county headquarters they can actually register in that context.

MR. SIPP: With same day registration, I think you may have some potentially a logistical problem with that. I have to look at that a little bit more and be a little more educated in that. But I would say that same day registration would not be synonymous with early voting necessarily but not necessarily hand in hand.

COUNCIL MEMBER GARODNICK: Can we ask you to keep an open mind on that subject?

MR. SIPP: I'll keep an open mind on anything. Yes, sir.

COUNCIL MEMBER GARODNICK: And then the last one on no fault absentee balloting. The idea again is that today so many New Yorkers are

1  
2 asked to explain the reason why they can't make it  
3 to the polls. If you were able to address issues  
4 of custody, which I know you're concerndd about  
5 and I am too, would that be something that you  
6 would be open to. To allow people to fill out and  
7 mail in an absentee ballot where their reason is I  
8 really just can't get to the poll that day.

9 MR. SIPP: Yes, open to it. I  
10 would have to look at it a little bit more.

11 COUNCIL MEMBER GARODNICK: By the  
12 way, I want you to study all these things. I want  
13 you to look at them and I think that's exactly the  
14 way you should be. But I do think we need to be  
15 thinking as we go forward toward how we can make  
16 this process more open and easier for New Yorkers  
17 to access so I appreciate that.

18 The last two questions that I had  
19 for you are partnering and meeting with advocacy  
20 groups. Would you as a member of the Board be  
21 willing to do that in your capacity as a member?

22 MR. SIPP: I haven't reviewed all  
23 the conflict lists. To the extent that is legally  
24 permissible for me to do, I would engage in that,  
25 yes sir.

1  
2 COUNCIL MEMBER GARODNICK: We  
3 frequently have hearings at the City Council in  
4 the Government Operations Committee where we  
5 invite the City Board of Elections, the Executive  
6 Director or any subset of them to come and share  
7 their views with us on a variety of subjects.  
8 Would you be willing to attend and testify at the  
9 Council's Government Operations oversight  
10 hearings?

11 MR. SIPP: Yes.

12 COUNCIL MEMBER GARODNICK: Okay,  
13 terrific. Listen, I'm going to support your  
14 nomination. I look forward to working with you.  
15 There are frequently issues coming up here and I  
16 look forward to having a dialogue with you going  
17 forward.

18 MR. SIPP: Thank you, Councilman.

19 COUNCIL MEMBER GARODNICK: Thank  
20 you.

21 CHAIRPERSON REYNA: Thank you very  
22 much. Council Member Oddo.

23 COUNCIL MEMBER ODDO: Just very  
24 quickly, Madam Chair. I think the public wants  
25 and dare I say, each of us wants all of the

1  
2 elected and appointed officials to be intelligent  
3 and honest and earnest. I think JP is that and I  
4 think you got a sampling of that in his responses  
5 to Council Member Garodnick's questions. I'll  
6 just ask my colleagues if they would support his  
7 candidacy. Thank you, Madam Chair.

8 CHAIRPERSON REYNA: Thank you,  
9 Council Member Oddo. Are there any more  
10 questions? Moving forward, I'd like to make some  
11 housekeeping recordkeeping. We need a statement  
12 on the record, Mr. Sipp. If you can answer this  
13 question. Is it your intention to resign as the  
14 lord - - chair of the Richmond County Republican  
15 Committee upon appointment to the Board of  
16 Elections?

17 MR. SIPP: Yes, it is.

18 CHAIRPERSON REYNA: Thank you very  
19 much Mr. Sipp.

20 MR. SIPP: Thank you.

21 CHAIRPERSON REYNA: Our last  
22 appointment, Mr. McSweeney. The office and duties  
23 of the City Clerk and the clerk of the Council are  
24 set forth in Section 48 Chapter 2 of the City  
25 Charter. The Council shall appoint a clerk who

1  
2 shall hold this office for six years. The City  
3 Clerk may be removed on charges by a two-thirds  
4 vote of all Council Members. Such a decision  
5 shall be subject to judicial review.

6           The City Clerk receives a salary of  
7 \$185,700. As the clerk of the City Council, the  
8 main function of the clerk is to attest to all  
9 laws enacted by the City Council. The clerk also  
10 attests to all legislations desired by and  
11 affecting the city requiring concurrent action by  
12 state legislature. The clerk of the Council is  
13 also responsible for keeping the transcripts of  
14 the proceedings of the Council.

15           As the city clerk, the clerk  
16 attests to leases and deeds of the city property,  
17 grants agreements, bonds, tax notes and other  
18 forms of obligations of this city. The City Clerk  
19 has charge of all papers and documents of the city  
20 that include execute and administrative orders of  
21 the Mayor, certificates of judicial appointments  
22 by the Mayor, oaths of office of city employees,  
23 City Marshall bonds and referendum petitions.  
24 Other duties of the clerk include the  
25 qualification of Commissioners of Deeds and the

1  
2 certification to the Board of Elections of all  
3 judicial vacancies.

4           The clerk is also the custodian of  
5 the seal of the City of New York. In addition,  
6 the City Clerk maintains two separate and  
7 important bureaus under its jurisdiction, the  
8 Lobbying Bureau and the Marriage Bureau. Welcome  
9 Mr. McSweeney, will you please raise your right  
10 hand and be sworn in by counsel.

11           COUNSEL: Do you swear or affirm to  
12 tell the truth, the whole truth and nothing but  
13 the truth?

14           MICHAEL MCSWEENEY: Yes, I do.

15           CHAIRPERSON REYNA: And if you can  
16 share your opening statement with our committee,  
17 this is the time to do so.

18           MR. MCSWEENEY: Thank you. First  
19 it is an honor and a privilege to be considered  
20 for this position. I thank the Committee for  
21 allowing me to appear. I have been in the  
22 position of First Deputy City Clerk for five years  
23 and I served as the acting City Clerk for six  
24 months, since the retirement of Hector Diaz. And  
25 for six months last year following the retirement

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

of Victor Robles.

I believe that my experience for more than 12 months running the agency in an acting capacity qualifies me to serve as the City Clerk. During that time I've overseen two critical initiatives, the modernization of the Marriage Bureau and the carrying out of the Lobbying Reform Act of 2006. Having the opportunity to serve as City Clerk for the remainder of the current term would empower me to complete and secure the long term success of those two initiatives.

CHAIRPERSON REYNA: Thank you very much. I'd like to ask my colleagues are there any questions, comments. Council Member Helen Sears, Council Member Gale Brewer.

COUNCIL MEMBER SEARS: Thank you Madam Chair. I just wanted to say thank you to the Committee. And on behalf of Mr. McSweeney, I've known him for many years. He is a very honorable, conscientious individual who takes his tasks very seriously and I think he would do us well to serve as City Clerk. So I want to thank you very much for this and I congratulate Mr.

1

2 McSweeney. Thank you.

3

4

CHAIRPERSON REYNA: Thank you  
Council Member Sears. Council Member Brewer.

5

6

7

8

9

10

11

12

COUNCIL MEMBER BREWER: Thank you  
very much. You've certainly done a good job as  
interim, Mr. McSweeney. My question is regarding  
the lobbying and the issues of keeping track of  
that particular aspect of your job, do you have  
the technology? How have you handled it in the  
past? Do you think there is room for improvement?  
It's a tough group of constituents.

13

14

15

16

17

18

19

20

21

22

MR. MCSWEENEY: Yes, it is. I  
think that we're partnering with DoITT to  
basically conduct all of the electronic reporting  
for lobbyists and there's a couple of different  
aspects of that. First of all, the creation of an  
e-Lobbyist system, which is a computer application  
designed in conjunction with DoITT to be a safe  
database for the reporting of lobbying information  
and to do so in following all of the DoITT  
requirements for security and so forth.

23

24

25

I think the undertaking was maybe a  
little underestimated from its inception. I think  
that creating a system which is kind of

1  
2 unprecedented because unlike the state, under the  
3 city's law all lobbyists are required to file  
4 electronically. Whereas the state gives you the  
5 option to do more than one system so it was a  
6 daunting task. We made great strides in 2008 in  
7 bringing this system up to where it ought to be.  
8 Hopefully this year lobbyists have found it to be  
9 a little bit easier to do filing.

10 In particular, this year we  
11 introduced an employee store for lobbyists so that  
12 when you enter all of your employees and all of  
13 the names of the lobbyists it's in a store. Once  
14 it's entered, you only have to click a box every  
15 time you file a report. That's one of the things  
16 that has improved. One of the things that I've  
17 worked on closely is I've worked with the Council  
18 to try to find every resource necessary to make  
19 the improvements that are needed. Because rolling  
20 out a system the size and the scope of e-Lobbyist  
21 has been very difficult. We're pleased to see  
22 that in the last year, DoITT has been able to  
23 obtain the resources to get the system closer to  
24 where it needs to be to be completely functional  
25 and to be free of some of the glitches that many

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

lobbyists have encountered.

COUNCIL MEMBER BREWER: You find that it's also important for the public to access. Do you find that there are a lot of hits to this? Is that something you can track? It's something positive for the public to hear about in terms of government. So do you think there is some way of letting the public know that this information is there?

MR. MCSWEENEY: The information is available both through our web site and through the Doing Business web site.

COUNCIL MEMBER BREWER: Is now. Is there any flock to make sure that the public knows about it? That's what I'm saying. It's make government look transparent is what I'm trying to tell you.

MR. MCSWEENEY: Right. I think that people who are interested in following this are well aware of it.

COUNCIL MEMBER BREWER: I'm sure they are.

MR. MCSWEENEY: And we have tried to help facilitate that as extensively as we can.

1  
2 Anytime that a member of the public is not able to  
3 get the information that they require, we make  
4 sure that we get that for anyone who is seeking  
5 the information. One of the things we've been  
6 pushing DoITT to complete is a NYC search  
7 function, which makes the search function able to  
8 collect a greater universe of information than was  
9 up there originally so we're working towards that.

10 COUNCIL MEMBER BREWER: This is  
11 just my ignorance. But does the Marriage Bureau  
12 that's refurbished some where and then your  
13 offices are still at One Center or are you in the  
14 new marriage area?

15 MR. MCSWEENEY: On January 12th we  
16 relocated the entire Manhattan office of the  
17 Marriage Bureau to 141 Worth Street.

18 COUNCIL MEMBER BREWER: Right, the  
19 whole world knew that. But in terms of your  
20 office, the administrative offices are still at  
21 One Center?

22 MR. MCSWEENEY: No, we're  
23 completely, every aspect of the Manhattan office  
24 is now at that new place.

25 COUNCIL MEMBER BREWER: I got it.

1

2 Okay, thank you very much.

3

4

5

6

CHAIRPERSON REYNA: Can you repeat your last statement, Mike? I believe my colleagues didn't hear the last statement, the new address.

7

8

9

10

11

12

MR. MCSWEENEY: I'm sorry. The new address is 141 Worth Street, which happens to be the former location of the Manhattan Department of Motor Vehicles. All of our administrative offices, the offices of the Lobbying Bureau were relocated to that space.

13

14

15

16

CHAIRPERSON REYNA: Without interruption. And I wanted to just--we have one more question or comment from Council Member Fidler.

17

18

19

20

21

22

23

24

25

COUNCIL MEMBER FIDLER: Thank you Madam Chairwoman. It is absolutely no secret to everybody that the reason that we're starting this 10:00 am Rules Committee meeting at 3:30 has to do with this nomination. I want to be clear what this is not about. It's not about my continuing love and support for the Speaker. It's not about Mr. McSweeney and it's certainly not about high issues of policy. It is about politics and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

process.

The politics, I don't need to elaborate on; each of us understands. But the process by which we have to proceed, I believe, is an absolute and total violation of the Council rules. I want to read to you, please indulge me, Rule 10.60, Nominations, Appointments, Designations, Recommendations, Meetings. Any committee which schedules a meeting for the purpose of considering the nomination, appointment, designation or recommendation of any individual pursuant to power vested in the Council shall, in the announcements of such meeting, invite the public to be heard with respect to the qualifications of any such individual.

Now I don't question Mr. McSweeney's qualifications but this matter was calendared at 2:30 today at the earliest for a 10:00 hearing this morning. And to suggest that the public has been invited to participate in this process is absolute nonsense. There is no exigent reason why this nomination needs to be considered today. Mr. McSweeney is doing a more than adequate job as the acting Clerk at this time.

1

2 The role, there is no clock on this appointment.

3

4

5

6

7

8

We are, if not violating the letter of our own rule, we are certainly violating the spirit of this rule. Because of that, I am going to be voting no and would urge anyone else that thinks that the rules of this Council are relevant and appropriate to do the same.

9

10

11

12

13

14

15

16

CHAIRPERSON REYNA: Thank you

Council Member Fidler for housekeeping matters.

I'd like to ask Mr. McSweeney to answer these

questions. Is it your intention to resign as

Chair and President of Woodside on the Move

Community Board 2 in Queens and your Committee

membership with the Queens County Democratic Party

upon appointment as City Clerk?

17

18

MR. MCSWEENEY: Yes, that is my

intention.

19

20

21

CHAIRPERSON REYNA: Thank you.

Also is it your intention to continue practicing

law?

22

23

MR. MCSWEENEY: No, it is not. I

will cease practice of law in a private capacity.

24

25

CHAIRPERSON REYNA: Thank you. And

finally is the resolution approving membership

1  
2 changes to certain standing committees, pre-  
3 considered Resolution 1847, resolution approving  
4 membership changes to certain standing committees,  
5 sub-committees, Chairs and allowances.

6 Civil Service and Labor Chair will  
7 be Martinez, Fire and Criminal Justice Services  
8 Chair will be Vacca, Governmental Operations Chair  
9 will be Sears, Sanitation and Solid Waste  
10 Management Chair will be Felder, Veterans Chair  
11 will be Sanders, Women's Issues Chair will be  
12 Mealy, Senior Centers Chair will be Mark-Viverito.  
13 Standing Committees, Civil Service and Labor, the  
14 allowances of \$10,000 and the allowance for sub-  
15 committee on Senior Centers will be \$4,000. I'd  
16 like to call a vote.

17 CLERK: Eric Stevenson, Committee  
18 Clerk. Reyna.

19 CHAIRPERSON REYNA: I vote aye.

20 CLERK: Rivera.

21 COUNCIL MEMBER RIVERA: I vote aye.

22 CLERK: Baez.

23 COUNCIL MEMBER BAEZ: I vote aye.

24 CLERK: Comrie.

25 COUNCIL MEMBER COMRIE: I vote aye.

1  
2 I want to congratulate all the candidates on their  
3 appointments to their positions.

4 CLERK: Dilan.

5 COUNCIL MEMBER DILAN: I'm going to  
6 vote aye on the pre-considered Reso, aye on Mr.  
7 Phillips and citing the reasons mentioned in his  
8 statement by Lou Fidler, I'm going to vote no on  
9 the item of City Clerk.

10 CLERK: Fidler.

11 COUNCIL MEMBER FIDLER: Aye on all  
12 except the City Clerk on which I vote no.

13 CLERK: Jackson.

14 COUNCIL MEMBER JACKSON: I vote aye  
15 on all.

16 CLERK: Katz.

17 COUNCIL MEMBER KATZ: Aye on all.

18 CLERK: Weprin.

19 COUNCIL MEMBER WEPRIN: Aye on all.

20 CLERK: Gentile.

21 COUNCIL MEMBER GENTILE: I vote aye  
22 on all except for the City Clerk, I vote no.

23 CLERK: Dickens.

24 COUNCIL MEMBER DICKENS: Aye.

25 CLERK: Garodnick.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

[No response]

CLERK: Oddo.

COUNCIL MEMBER ODDO: Yes.

CLERK: Garodnick.

COUNCIL MEMBER GARODNICK: Thank  
you. I vote aye.

CLERK: Speaker Quinn.

SPEAKER QUINN: I vote aye.

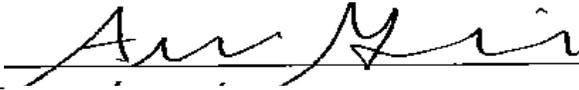
CLERK: Motion carries 14 in the  
affirmative, zero negative and no abstentions  
except pre-Reso M, which is 11 in the affirmative,  
3 negatives, no abstentions. Motion carries.

CHAIRPERSON REYNA: Meeting  
adjourned, thank you very much.

C E R T I F I C A T E

I, Amber Gibson, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature\_\_\_\_\_



Date \_\_\_March 11, 2009\_\_\_

Sipp with 2 P's