CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

Committee on Governmental Operations

December 8, 2021 Start: 12:36 p. m. Recess: 1:06 p. m.

HELD AT: REMOTE HEARING (VIRTUAL ROOM 1)

B E F O R E: Hon. Fernando Cabrera, Chair

COUNCIL MEMBERS:

Darma V. Diaz
Stephen T. Levin
Ben Kallos
Alan N. Maisel
Bill Perkins
Keith Powers
Ydanis A. Rodriguez
Kalman Yeger

OTHER COUNCIL MEMBERS IN ATTENDANCE: Oswald Feliz Carlos Menchaca

Committee on Governmental Operations

A P P E A R A N C E S

(NONE)

Dromm, Council Member Powers, Council Member Yeger,

3

1

4

5

6

7

8

10

11

1213

14

15

16

17

1819

20

21

22

24

25

Council Member Darma Diaz, Council Member Rodriguez,
Council Member Rosenthal, and I believe that covers
everyone.

Uh, today, uh, we... Today the committee will be voting on three pieces of legislation. The first is proposed Introduction number 1621-A sponsored by Council Member Daniel Dromm. This will establish a committee to examine the city's position on nuclear disbarment, and issues related to recognizing this city as a nuclear weapons-free zone. The committee will consist of seven members, three of whom will be appointed by The Speaker, and four of whom, including the chairperson will be appointed by The Mayor. advisory committee will be required to meet at least four times per year and produce an annual report summarizing its findings and conclusions. committee will dissolve upon the submission of its fifth annual report.

Second bill we are voting on today's proposed

Introduction number 1867-A, sponsored by Ydanis

Rodriguez, which relates non-citizen voting. New

York City is a city of immigrants, and immigrants

make up close to 40 percent of the city's population,

and even larger share of its workforce. Immigrants

1 Committee on Governmental Operations 2 are a vital part of the city's economic, cultural, 3 and civic landscape. This will allow certain 4 immigrants who are not yet US citizens to vote in The bill would create a new 5 municipal elections. class of voters called municipal voters. A municipal 6 7 voter would be any individual who is (i) is not a United States citizen, (ii) is either a lawful 8 permanent resident or otherwise authorized to work in the United States, (iii) has been a resident of New 10 11 York City for at least 30 consecutive days, (iv) 12 meets all the qualifications for registering or pre-13 registering to vote under the Election Law other than 14 United States citizenship, and (v) has registered or 15 pre-registered to vote as a municipal voter with the 16 New York City Board of Elections. Municipal voters 17 will be able to vote in any election for Mayor, 18 Comptroller, Public Advocate, Borough President or 19 City Council Member or any other city ballot 20 initiative. Municipal voters will not be authorized 21 to vote in any state or federal election. The Board 2.2 of Elections will be tasked with implementing the 2.3 Among other things the BOE will be required to create a new voter registration form and absent 24

ballot applicant to be used by municipal voters and

Committee on Governmental Operations

1

2

6

3 about the law. The BOE will be prohibited from

4 requiring voters to form a separate line or vote in a

provide information on notices to municipal voters

5 separate location. The bill will also include privacy

6 protections for municipal voters. Finally, the bill

7 create an advisory group that will provide

8 recommendations regarding any problems or potential

9 | improvements with respect to the municipal voting

10 process. The advisory group would be made up of five

11 members chaired by the Public Advocate. There will

12 be four representatives of the community-based

13 organization, two appointed by The Mayor and two by

14 The Speaker of the Council.

Third and final bill we are voting on today's

16 proposed Introduction number 2459-A sponsored by

17 | Council Member Oswald Feliz. And, as I know this...

18 | I believe this is his very first bill, so

19 | congratulations.

25

20 This bill will make The Mayor's Office of

21 | Information Privacy a charter mandated office.

22 | Headed by the city's Chief Privacy Officer, The

23 Office of Information Privacy works to safeguard the

24 New Yorkers information while facilitating data

sharing across city agencies. By codifying this

voting rights bill. Uh, that's something that I

1

3

4

6

8

10

11

12 13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

carried for a number of years, but when I became Chair of the Finance Committee, I asked, uh, Council Member Rodriguez if he could take the leadership on that, and he has done a stellar job and moved it forward. And, it looks like we're going to get this passed, and we're going to finally get this done. So, thank you, Council Member Rodriguez for your leadership on that legislation.

Uh, in regards to my legislation, The Committee on Civil Service and Labor, just passed my resolution 976-A regarding divestment from nuclear arms, so I will refer everyone to those remarks.

I do; however, want to highlight some of the key points of Intro 1621-A. This bill would require the city to convene an advisory committee on nuclear disarmament and a nuclear free-zone, Chaired by an agency or office head, and composed of six experts on nuclear disarmament policy and advocacy. committee would review the city's current stance on nuclear weapons, and draft a resolution declaring support for the City to remain a nuclear-free zone. Outreach and education would be vital components of the committee's work, which would be detailed in five years of annual reports. If the advocates for the

bill are any indicator, then I know that the advisory
committee members will be excellent. And, I very
much look forward to reading each report, and then

For the record, I want to recognize the advocates who have fought so hard for the passage of this legislation: Kathleen Sullivan, Matthew Bolton, Seth Sheldon, Robert Croonquist, and all the others who supported this effort.

seeing the city act to implement the recommendations.

I especially want to recognize my good friend,
Human Rights Activist Brendan Fay, who first
discussed with me ideas about how our city could
support nuclear disarmament.

And, also, let me thank Irish Consul General
Helena Nolan who, was the lead negotiator on nuclear
disarmament in the United Nations when they passed
their resolution as well on nuclear disarmament.

Finally, I want to acknowledge you, Chair

Cabrera. It has been a pleasure to work with you. It
hope that, uh, we get the opportunity to work

together again at some point in the future. And, I

thank you for your leadership.

2.2

2.3

J

And, council staff, who worked on this, mainly Brendan McKinney (sp?) and CJ Murray, thank you also for your work. I am most grateful to all of you.

Thank you again, Chair Cabrera.

CHAIRPERSON CABRERA: Thank you so much, Council Member Dromm. Congratulations, I know you worked very, very hard on this bill, and the advocates, they are amazing. They never ceased (Background Noise) (INAUDIBLE 00:09:03) on this bill, so I salute you and the advocates as well.

And, so, with that, let me turn it over now to the next sponsor of the following bill, uh, and that is Council Member Rodriguez.

COUNCIL MEMBER RODRIGUEZ: Thank you Chairman

Cabrera, for your leadership, uh, not only on this

committee with many other things that we've been able

to do in our city. And, thank you for being also a

sponsor of the municipal voting rights as also

Council Member Dromm. In having conversation with

him this morning, and Margaret Chin, told me this is

a day full of emotion, because this is about -- going

back to 2009 when you are right there carrying on the

bill. This bill had three men crying, and we are

Council Member Dromm, Council Member Chin, myself,

You know, when we passed the bill of

2

3

1

4

_

6

7

8

10

11

1213

14

15

16

1718

19

20

21

22

23

24

25

together with the rest of the colleagues, Council
Member Menchaca, and all of us that are determined to
write another chapter of this history.

emancipation, it was a lot doubt about what could be the future. What will happen after, you know, and the people that were denied their rights, now will be seen and treated as human beings. So, the same doubts I know that is also in the head of a lot of people. What will happen when one million New Yorkers who will stay here during COVID? think that is... I don't think that anyone that has now lived that experience like the one that I did for a green card... From 83' to 2000, washing dishes at O'Henry Restaurant or working in a factory, yes, I wanted to be a citizen, but my language didn't allow me to (Background Noise) (INAUDIBLE 00:11:30). There's so many of us people here. They just stay working daily. They are still here delivering food, working in supermarkets, that we... they've been living in the shadows. A lot of people run for citywide office, but they don't spend time in those communities, because they see those people as second and third-class citizens. They deserve to have a

90's. We've been working perfectly. We can do it in

1

3

4

5

6

7

8

10

11

13

12

14

15

16

17

18

19

2021

2.2

2.3

24

25

the city of New York." The city of New York can be a role model to fix it and let those Trump supporters know we are not following you, but we follow New York City. We are going to be strengthening the vote.

So, with that, I'm sorry for my emotion, but for me this is about, it's the day where we have the opportunity. Women had the right to vote in 1919, because before that was white males that had land, that had the right to do it. Each generation had the opportunity to expand our (Background Noise) (INAUDIBLE 00:14:04) and amend our charter of our constitution. New York State constitution never used the word "only" when they say citizens have the right to vote. And, that's why academics and lawyers, including the law department of New York City, including the Legislation Division led by Paul Ochoa, from Mayor di Blasio, they revised this bill, including the council lawyers, they advocate. this bill has been written -- has been allowed by lawyers of the council to go and have hearings on three occasions.

The first thing that we go through as a council member, is that when we put (INAUDIBLE 00:14:43) request, we get feedback back, and we've been told,

2.3

"Well you can do it or you cannot do it." Lawyers have revised our (INAUDIBLE 00:14:52) request, and they said, "You can do it".

This is the moment, let's make history, let's vote for this bill.

Thank you, Chairman. Thank you, Danny, you've been so great, and for me, I'm just adding what I am doing with the work that you have already started, as Margaret Chin, too.

Thank you, (INAUDIBLE 00:15:10), sir.

CHAIRPERSON CABRERA: Nothing to be sorry about, uh, Council Member, your feelings are surely understood, uh, I know that this is a very emotional bill for you. I've seen you fight for this bill, and, you know, with all of your heart, and of course, uh, Council Member Dromm for being the catalyst here from the very beginning. It's so unselfish to be able to share with another council member. So, I know this is a very important moment for both of you.

And, uh, and with that, uh, I believe Council

Member Yeger -- Council Member Yeger, uh, has some
comments.

COUNCIL MEMBER YEGER: Thank you very much, Mr. Chair, and thank you for Councilman Rodriguez who's

_

2.2

worked very hard on this bill, as he said, for a very long time -- and to all the folks who have been working on this topic for a very long time.

Uhm, you know, I've... I've spoken on this...

On this council, on the floor of this council, and hearing committees about my own family history, uh, which doesn't need to be necessarily recited today, but, uhm, for purposes of my explanation, I think it is relevant.

Uh, I... True I'm not a descendant of people who came here on the Mayflower or of Native Americans.

Uh, my father came here on a boat, uh, with his parents and his older brother. All of four of my grandparents came here after, in different ways, having escaped the atrocities of Nazi Germany. Uhm, my mother's father was able to make his way to Japan, uh, ultimately to China, where he resided for several years, and then here to the United States. None of them were citizens when they came here, and ultimately they became citizens. And, today, their grandchild, the grandchild and the son of immigrants is a member of the New York City Council -- one of 51 who have this title. I imagine that, if they were here today, they'd be wondering how that all

3

4

5

6

7

8

)

10 11

12

1314

15

16

17

18

19

2021

2.2

2.3

24

25

happened, but they would also note that it's the blessing of God that created this great country that gave the right of citizenship, and that enabled us to be a part of this American miracle of democracy — the longest serving democracy — the longest existing democracy in the history of the world.

For me, and my colleagues have heard me say this many times, uh, and it's one of the reasons I have the highest number of "no" votes of any member of the council from any party. I take my oath of office seriously. And, to me, that means supporting the constitution of the United States, supporting the constitution of the State of New York, that's what's in our oaths. And, I took that same oath several years before when I was sworn in as an attorney. An oath to support, to honor the constitution of this state. The constitution of this state, in my estimation, and in a very simple reading, limits voting to citizens. And, that doesn't mean that it can't be changed. It only means that we can't change We -- The City Council -- can't change it. can be changed. It can be changed by the state legislature; submitted to the voters; the voters can adopt it, and that would be the law. This is not a

3

4

5

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

25

message of -- that it would be bad for more people to be enfranchised. My grandparents were enfranchised. I'm looking around this committee, and I see many people whose grandparents could not vote -- Blacks (sic), women, who are here in this room today, who have the right to vote in this legislature, who couldn't vote... whose grandparents couldn't vote, because they were denied that right. The denying of a right to vote is not right. It's not proper. inconsistent with a democracy. But, the question is whether or not we are legally allowed to do it. And, the answer to that is no we can't. And, there are many reasons why, and ultimately when the courts strike this law down, because it will be voted out of committee today and will be voted off the floor tomorrow, uhm, it will be very clear why. But, I'll say some of them, uhm, the idea that we can do something just because it's right -- just because it makes it sense -- just because it feels good, and then walk away and say we did our jobs? That's not what our job is. I don't believe it. I don't believe it's (Background Noise) (INAUDIBLE 00:19:33) it's in... it's in... that it is consistent with our oath. And, it's not a criticism of anybody

2.2

2.3

who's worked on this. Council Member Rodriguez, who, with whom I've served for, uh, four years, less, uh, about 20 in change days, uh, has been a tremendous advocate for this. It's not about a particular segment of the community. He listed the different, uhm, of... of potential vote... voting blocks, uh, and he's right, it wouldn't be limited to one particular segment, it would be everybody who has this right granted by the statute, as long as the statute is legal. But, the statute's not legal.

We'll hear a lot in the discussion about the words, you know, floor versus ceiling as it relates to the words in the constitution when it talks about citizens. That, uh, the fact that it says citizen means that the constitution set a floor, that's who must be granted the right to vote. But, it's not limited to that group of people, the citizens, the right to vote. And, that's just not true. And, it's not consistent with basic, very basic, statutory interpretation.

There's an old Latin phrase that courts use when they interpret statutes, "Expressio unius est exclusio alterius". And, the very basic meaning of that is, and my Latin is not as good as it used to

3

4

5

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

2.2

2.3

24

be, is that when a statute or a... a constitution, or a law, or an ordinance, or a rule, or a regulation says something, and it excludes other things in that category, it necessarily has excluded them to the exclusion of being used. Therefore, when it says citizen and it doesn't say resident, that's what it means. Now, how do we know that for sure? constitution actually used the word resident in many different places, particularly, for example, in the makeup of the Independent Redistricting Commission, and that it has to take in to account the residents of New York. And, excluded, and as differentiated, from the citizens of New York. Because when legislative seats are designed, they are not designed simply around citizens, they're designed around residents.

So, the constitution's pretty clear that citizens are the ones who are granted the right to vote exclusively. Again, it can be changed, and perhaps it ought to be, but not by us. And, that's why I'm voting no today, and doing that with great respect for the advocates who believe in this, to the people who believe that this is right.

_ -

And, those who will ultimately take the oath of citizenship at some point in the future, and who will have, uh, journeyed on a quest to become a citizen of this country, they ought to know that the oath to the constitution has meaning.

Thank you very much, Mr. Chairman.

CHAIRPERSON CABRERA: Thank you so much.

And, with that, let me, uh, pass it on now to Council Member Menchaca. I see his hand is raised.

COUNCIL MEMBER MENCHACA: Thank you, Chair.

Uh, and I want to speak on our... Our City, Our Vote. Uh, it's a bill that is important to me and many members of my community who have been championing this larger conversation about enfranchising more immigrants.

Uh, I want to say thank you to Danny Dromm, our incredible twelve term... Or twelve year fighter for immigrants, and Ydanis Rodriguez, uh, has been leading the fight on this bill. Uhm, but there is a lot of internal conversation right now on the city council that is trying to stop this bill. And, I want to address some of those issues, but I think what I want to do is... is bring it back to what Council Member Yeger just brought up in terms of the

2.2

constitution and what the constitution has given us as cities.

This city, the City of New York and its charter is an incredibly powerful charter. Uh, our city council legal teams have looked at this, and have answered the question of whether or not we have the power to do it.

Now, the pushback will be -- and I'm not saying

Council Member Yeger is anti-immigrant, I don't...

I'm not saying this, but there will be proponents out

there that will try to knock this out and make some

of the same arguments that Council Member Yeger is

making.

What I want to make sure that we know, is that this committee... I don't have a vote on this committee, uhm, but the council itself must bring this up on Thursday and vote, uh, and let your vote speak for itself, uh, and ensure that we can actually move forward to implement this. Because, this is not going to be an easy implementation. This is going to require a very kind of new thinking for a city like ours. But, it is important to enfranchise some of the most vulnerable people, our working families, across many immigrant constituencies that deserve the

So, I don't see any other hands raised. Uh, so, with that, uh, let me turn it over to the clerk, uh, to call the roll.

COMMITTEE CLERK: Thank you.

Good afternoon, William Martin, Committee Clerk.

Roll call vote for the Committee on Governmental Operations. All three items are coupled.

Chair Cabrera?

20

21

2.2

2.3

24

3

4

5

6

7

8

9

1011

12

13

14

15

16

17

1819

20

21

22

23

24

25

COUNCIL MEMBER YEGER: Thank you. I'm not gonna reiterate my comments on the Introduction 1867, uh, that will... I'll save that for our exciting day tomorrow.

Uhm, I will very briefly, uh, just explain my vote on, uh, Introduction 1621. Uh, I, too, like most recent people, uh, recent thinking people, uh, abhor the existence of nuclear weapons. They're not safe, uh, and, you know, they have historically been used in ways that have made the world unsafe. Uh, it would be a great day if there were no nuclear weapons. But, I, as I said before, and along the same lines of thinking, I have tended to vote in this council the way I believe our structure of government requires, which is that we can't ban nuclear weapons from this city council. We are not military of the United States. We're not the president of the United We're not the United States Congress. States. are a local body. If this bill were just to create a commission to, uh, discuss it, to, uh, make recommendations to have a thought process, that's fine. But, ultimately the bill is designed in way that says, "And, we here in New York City say No Nukes in New York." That's great as a target -- as

CHAIRPERSON CABRERA: Yes, absolutely.

2.3

3

4

6

7

8

10

11

13

12

14

15

16

17

18

19 20

21

2.2 2.3

24

COUNCIL MEMBER DARMA DIAZ: Uhm, in reference to 1867-A, I'm... I'm voting yes, but I want it on the record that I'm conflicted.

Uhm, The Board of Elections of Elections of the city of New York is in dire need of getting themselves together -- in order. As a former district leader, I could go on, uhm, in the negative, on how elections are impacted by the lack of staffing, the lack of technology, and the lack of order.

I'm voting yes on all, but I just wanted it on the record. And, I'm hoping that as we move forward and we move forward tomorrow, that we figure out a way to bring The Board of Elections up to code and up to standards.

Thank you.

CHAIRPERSON CABRERA: Thank you so much.

COUNCIL MEMBER DARMA DIAZ: You're welcome.

COMMITTEE CLERK: Thank you.

The results for the following items, uh, Introduction... Proposed Introduction 2459-A is adopted by the committee with a vote of 7 in the affirmative, 0 in the negative, and no abstentions.

\sim	\neg
	-/

Committee on Governmental Operations

2 Proposed Introduction 1867-A is adopted by the 3 committee with 6 in the affirmative, 1 in the 4 negative, and no abstentions.

And proposed Introduction 1621-A is adopted by the committee with 6 in the affirmative, 0 in the negative, and 1 abstention.

CHAIRPERSON CABRERA: Thank you so much.

Congratulations to all of the sponsors of the bills.

And, with that, uh, we adjourn today's committee.

COUNCIL MEMBER RODRIGUEZ: Thank you, Chairman.

CHAIRPERSON CABRERA: Thank you.

SERGEANT AT ARMS: And, to all members that are on Transportation, we ask you to please stay around. Your Transportation hearing should start in a moment. Uh, Chair Rodriguez, also please, uh, stay around, and we'll rename you as soon as possible, thank you.

COUNCIL MEMBER RODRIGUEZ: Okay.

19

1

6

7

8

10

11

12

13

14

15

16

17

18

20

21

2.2

23

24

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 29, 2021