

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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April 3, 2013
Start: 1:06 p.m.
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HELD AT: Council Chambers
City Hall

B E F O R E:
GALE A. BREWER
Chairperson

COUNCIL MEMBERS:
Inez E. Dickens
Erik Martin Dilan
Domenic M. Recchia, Jr.
Peter F. Vallone, Jr.

A P P E A R A N C E S

Sami Naim
Assistant Counselor to Mayor Michael R. Bloomberg

CHAIRPERSON BREWER: Good

afternoon. I am Gale Brewer, and I welcome you to the hearing of the Committee on Governmental Operations. I chair this Committee, and today's hearing concerns two bills, Intro 927 and 951. Both of these bills are intended to continue our advocacy to make New York City's government as transparent as possible. Intro number 927 concerns pilot programs and community boards. Mayor Bloomberg has been a big proponent of using pilot programs to test out new ideas--that's for sure--for improving the city. Some of them I like, some of them I don't. Among the initiatives his administration began as pilot programs are pedestrian plazas--I like those--bike lanes--I like those, but not everybody does--and handing out emergency contraceptives in schools--I like that too. Critics have charged that the administration has called things pilot projects to reduce scrutiny on what they are doing and in some ways that makes sense since most pilot projects have only localized impact. When a project does have such localized impact, it makes sense for the local community board to have notice of what is

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2 going on, and that isn't always happening. Intro
3 927 would require the city to notify the community
4 boards of affected areas when it initiatives a
5 pilot project. Second, Intro 951 is a common
6 sense piece of legislation that patches up a
7 loophole in the city's administrative procedure
8 act. Normally the most significant part of an
9 agency rulemaking from the perspective of the
10 public is when a rule is proposed. The public has
11 the ability to comment on proposed rules. Once
12 the agency has taken public comments they can make
13 changes to the rule based on those, and then the
14 rule is finalized. The commissioner of the agency
15 is the only one that needs to approve it, but when
16 an agency is a commission or a board those members
17 typically need to vote on any final rule. There
18 is no requirement that the members of a board or a
19 commission see a rule before they vote on it.
20 This is the loophole, so it could be that a rule
21 has been negotiated throughout the night, and the
22 next day the members of the commission show up and
23 are told that they have to vote on this final rule
24 that they have not seen and have not participated
25 in the negotiations over. In fact, we have head

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2 from some that this is how the Taxi and Limousine
3 Commission sometimes does business, although
4 Chairman Yaski [phonetic] will probably deny that.
5 It is only sensible and only fair that members of
6 boards or commissions should be able to take some
7 time to review the content of a final rule before
8 they vote on it. Intro 951 would ensure that
9 anybody on a board or commission has at least
10 seven days to review final rules before they need
11 to vote on them. I thank everyone for joining us
12 here today. We have been joined by Council Member
13 Inez Dickens, and I think Chairman of the
14 Transportation Committee and Council Member
15 extraordinaire Vacca would like to make an opening
16 statement or a comment on his bill.

17 COUNCIL MEMBER VACCA: Thank you.
18 Thank you, Chair Brewer. I want to thank you for
19 holding this hearing, and I believe that my bill
20 will increase transparency in government, and I
21 think it is important we do so. The law currently
22 requires that for the Council to vote on
23 legislation the bill must be aged for seven days,
24 not counting Sundays prior to their being voted on
25 by the Council, except for rare circumstances. We

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2 do this to allow time for our colleagues to review
3 and comment on such legislation before a vote. I
4 believe that city agencies should have the same
5 deliberative process when adopting rules or
6 setting up programs. That is the purpose of my
7 bill. On several recent occasions the Taxi and
8 Limousine Commission has been voting on items
9 immediately after providing the text of these
10 items to the TLC Commissioners without giving
11 amply time for the public to respond to the
12 proposed changes. Further on occasion the
13 commission has voted on proposed rules as pilot
14 programs thus not even having these programs
15 advertised publically in the city record before
16 their adoption by the TLC. The recent e-hail
17 pilot program is just the most recent example
18 where this lack of transparency occurred. There
19 was an e-hail proposal. It would have been
20 citywide in nature. TLC proposed it. It was
21 determined that there was not a majority vote on
22 the commission to pass those rules, so within a
23 day or two the commission said it would be a pilot
24 program, and the commission voted for a pilot
25 program without notice to the public prior to that

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2 vote. But these practices are not just limited to
3 the TLC. They take place in other agencies. They
4 should be curbed because they don't demonstrate
5 any type of consideration toward the general
6 public when it comes to their right to comment and
7 know what is going on, so I propose this amendment
8 to the city's administrative procure act to
9 require any city agency that votes on proposed
10 rule changes or other policy changes, including
11 pilot programs, to deliver final rules to voting
12 members within seven days, and publish those final
13 rules on their website within a minimum of three
14 days excluding Sundays before a vote can be
15 scheduled. This process will allow all agencies
16 to operate with the utmost transparency to the
17 public while better serving the stakeholders whose
18 lives and livelihoods they are affecting by their
19 rule and policy changes. Agencies should not be
20 blindsiding the City Council or the public. It is
21 time for us to call upon city agencies to follow
22 the same rules as we do. It is simply good
23 government. I thank you Chair Brewer, and I look
24 forward to hearing today's testimony.

25 CHAIRPERSON BREWER: Thank you very

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2 much. I think that just for the webcasting know
3 Council Member Vacca was talking about 951-A
4 'cause I think you didn't mention that. Without
5 further ado, I'd like to thank David Sitzer
6 [phonetic], who is counsel to the Committee and
7 Tym Matusov, who is the policy analyst and Will
8 Colgrove from our office, and why don't you go
9 ahead and begin your testimony. Thank you for
10 joining us today.

11 SAMI NAIM: Good afternoon, Chair
12 Brewer, members of the Committee on Governmental
13 Operations. I'm Sami Naim, assistant counselor to
14 Mayor Michael R. Bloomberg, and I am here on
15 behalf of the Administration to testify on Intro
16 number 951-A, a measure which would impose
17 additional procedural requirements on the
18 rulemaking process known as the city
19 administrative procedure act or CAPA and Intro
20 927, a measure which would require notifications
21 regarding pilot programs. Regarding Intro 951-A,
22 let me first state that the Bloomberg
23 Administration remains steadfast in its commitment
24 to bringing greater transparency, accountability
25 and accessibility to government operations,

1 including the rulemaking process. As you know,
2 the rulemaking process known as CAPA was first
3 conceived almost 20 years ago by the 1988 charter
4 commission. Until recently the process has
5 changed little to reflect modern conditions and
6 circumstances or comport with contemporary
7 customer service and operational principles;
8 however, both the Administration and the Council
9 have taken significant steps in recent years to
10 strengthen and modernize CAPA. For example, in
11 2008 the City Council amended CAPA by require
12 agencies to e-mail information regarding a
13 proposed rule or rule change to community boards,
14 the news media, civic organizations and other
15 stakeholders. This e-mail requirement was
16 intended to supplement publication of the same in
17 the city record, which as you know serves as the
18 official newspaper for the city of New York for
19 purposes of publishing official notices, such as
20 public hearings, meetings, property dispositions
21 and procurements and which incidentally does not
22 have a significant subscription base. In 2010,
23 the Administration in partnership with the Council
24 launched NYC Rules, a website that allows the
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1 public to search for all recently proposed and
2 adopted rules by date, agency or keyword, submit
3 their comments on proposed rules directly to the
4 rulemaking agency via any home or office computer,
5 Blackberry or other mobile device, learn more
6 about the rulemaking process through plain
7 language guides, process maps and links to
8 regulatory resources, such as the complete
9 compendium on the rules of the city of New York,
10 and sign up to receive an NYC Rules e-newsletter,
11 which provides weekly updates regarding rulemaking
12 activity city-wide. Also in 2012 the Council
13 amended CAPA that would require agencies to post a
14 link to NYC rules furthering our efforts to create
15 an accessible one stop shop for all rulemaking
16 actions, and later this year the Administration
17 will further enhance the NYC Rules website to make
18 this process even more accessible to New Yorkers.
19 The enhancements include features such as a more
20 user friendly interface and design, expanded
21 search and keyword capabilities and a public
22 hearing calendar that will incorporate all
23 rulemaking public hearings citywide. The calendar
24 feature in particular will help the public stay up
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2 to date on rulemaking activity with a click of a
3 button. All of these steps are intended to help
4 ensure that CAPA is as transparent, accountable
5 and accessible as possible without imposing undue
6 burdens on city agencies seeking to promulgate
7 rules that safeguard the public's health, safety
8 and wellbeing. We believe that Intro 951-A in its
9 current form would disrupt this balance and impose
10 significant undue burdens on city agencies.

11 First, the requirement that rules must be
12 published in final form to be voted on by an
13 agency board or commission as proposed by this
14 bill could significantly delay the implementation
15 of critical public policy initiatives, many of
16 which are mandated by this City Council. Indeed
17 under this bill any modifications or amendments to
18 a rule however minor at the request of a board or
19 commissioner would trigger the publication of
20 another round of notices and reconvening another
21 meeting to vote on the rule again and move it
22 through CAPA. For example, the Taxi and Limousine
23 Commission often holds a vote on whether TLC
24 should adopt a particular rule at a public
25 meeting. At the request at the meeting a rule on

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2 the agenda may be subject to further amendments or
3 modifications at the request of one of the TLC
4 commissioners. If the commissioners agree, the
5 amendment or modification is incorporated into the
6 final rule which is then approved at the same
7 meeting. Under Intro 951-A this process would be
8 extended by days if not weeks because of the
9 proposed notice and meeting requirements that
10 would be inserted therein. Second, the bill's
11 requirements apply to all rules regardless of the
12 rule's potential scope or impact. Such a
13 requirement is unnecessary and impractical in all
14 cases, such as when the Environmental Control
15 Board amends its fee schedule as a purely
16 administrative matter. Indeed in such cases the
17 notice and meeting requirements called for under
18 this bill as currently drafted may not be the best
19 use of the office's limited staff and resources
20 during a time in which we are all focused on
21 streamlining city government and eliminating - -
22 processes. Third, we believe that the bill should
23 incorporate an emergency rulemaking exemption that
24 is consistent with CAPA. Indeed the bill as
25 written does not provide for an exemption for when

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2 the city must respond swiftly to a situation that
3 threatens the public's health or safety. This is
4 of great concern to the administration. Emergency
5 rules of course eventually expire at that point
6 they must be re-promulgated through the standard
7 rulemaking process; therefore, we proposed that
8 the bill be amended to exempt emergency rules from
9 this process. Regarding Intro number 927 allow me
10 to again to reaffirm the Administration's
11 commitment to transparency, accountability and
12 accessibility. The Administration is also
13 committed to innovation in government which
14 includes administering pilot programs to help
15 identify sustainable policy solutions. We believe
16 that all of these objectives are not mutually
17 exclusive and have worked with community boards
18 and other stakeholders on a variety of programs to
19 facilitate their success; however, we do not
20 believe that a two month notice period is feasible
21 in all scenarios for all pilot programs. Indeed
22 pilot programs differ in scope and subject matter.
23 Some programs are of limited duration lasting for
24 only a few days. Other programs are programmatic
25 in nature and/or concern back office operations,

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2 which do not necessarily impact the public at
3 large within any particular community board;
4 therefore, we believe the bill is well intentioned
5 but requires further thought as to how best to
6 ensure and balance community engagement and
7 government innovation. In conclusion, we thank
8 Chair Brewer and the Committee on Governmental
9 Operations for calling this public hearing, and
10 look forward to continue working with the Council
11 to refine the bills to enhance the rulemaking
12 process and community board outreach. That being
13 said, unfortunately the Administration cannot
14 support the bills as currently drafted because of
15 the harmful albeit unintended consequences that it
16 would have on the operations of city government
17 given the vague yet broad mandates they impose.
18 Thank you, and I would be happy to answer any
19 questions you may have.

20 CHAIRPERSON BREWER: I am sure
21 Council Member Vacca has questions. I just wanted
22 to start with how would you answer the problem
23 then that Council Member Vacca brought to our
24 attention about the Taxi and Limousine Commission
25 when a fairly major issue of e-hail apparently

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2 wasn't activated in terms of a discussion by the
3 commissioners and done without their input? How
4 would you answer those kinds of questions? 'Cause
5 I think you do want transparency with the
6 commission or board, but obviously there have been
7 issues. So how would you deal with this problem
8 maybe in a different way?

9 SAMI NAIM: Yeah, I am not familiar
10 with e-hail, but are you speaking to like the
11 pilot program?

12 CHAIRPERSON BREWER: The issue was
13 that according to--and I have heard this from
14 others. It is strange that you appoint
15 commissioners, we appoint commissioners, and they
16 are not given information in a timely manner, so
17 it's not even commissioners, these are
18 commissioners, and they are your appointments and
19 our appointments. So how would something like
20 that be addressed?

21 SAMI NAIM: I mean I think as a
22 general matter it is best practice to have an
23 informed and engaged board whether it's Taxi and
24 Limousine Commission or the board of the Queens
25 Library or any board of a non-profit, so to the

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2 extent that we can spur greater engagement and
3 information to the commissioners I think that is a
4 good thing. My understanding is that the
5 commissioners are quite engaged, but there could
6 be instances where something has fallen through,
7 and we can certainly look into that and get back
8 to you.

9 CHAIRPERSON BREWER: Council
10 Member, go ahead, and then I can come back.

11 COUNCIL MEMBER VACCA: If you
12 objection to my bill is that my bill would extend
13 the process for several days or a week, I think
14 that is a very weak objection. I would plead
15 guilty to that objection I guess, but I think
16 getting it right and getting public input and
17 transparency maybe is worth a couple of days, and
18 I don't consider that a legitimate objection. How
19 could a commission that wants something done and
20 then the chair says I don't have the votes, come
21 back with a pilot program, and put that for a vote
22 the next day when the dimensions of the pilot
23 program and the impact of the pilot program is
24 never subject to public review or comment?

25 SAMI NAIM: Is this with respect to

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Intro 927 for pilot programs?

COUNCIL MEMBER VACCA: It's my legislation. It's not about the community board legislation. It's about mine.

SAMI NAIM: About the CAPA bill?

COUNCIL MEMBER VACCA: Yes.

SAMI NAIM: Yes. So I think one issue you mentioned was whether or not a rule--to get it right and to propose a rule for public comment and review, and currently under CAPA we propose a rule for the public at large and we accept comments in any form from whether you are a lobbyist or a regular citizen regardless of which borough, regardless of any access to resources, and so this levels the playing field between your average citizen and a special interest or a lobby group, and we feel that what benefits CAPA and the unique nature of CAPA is that this is a tremendous opportunity to solicit comments. Comments are officially retained, received and can be reviewed by the public.

COUNCIL MEMBER VACCA: But there was no opportunity to comment on the pilot program I am talking about.

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2 SAMI NAIM: Yes--

3 COUNCIL MEMBER VACCA:

4 [interposing] The comment was on the overall
5 attempt to change citywide policy, and when the
6 attempt to change citywide policy was not
7 fulfilled because of a lack of votes on the
8 commission then a pilot program that had the votes
9 was proposed and there was no opportunity for
10 public comment on the dimensions or impact of the
11 pilot program. The only thing I am seeking is an
12 opportunity for people to comment should a
13 proposal go from policy to pilot. I don't want
14 pilot programs implemented as a subterfuge to a
15 policy change, so this is--if this delays the
16 process a week or two I don't understand it, and
17 even your objection to Councilman Recchia's bill
18 about the community boards getting notification,
19 pilot programs if they are well thought out should
20 take months to implement. They are not
21 implemented overnight. I am a former district
22 manager to a community board. If I had a pilot
23 program proposed for my district, and I took 30 to
24 40 days to consider it, I don't think that is
25 inordinate because the community board has to do

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2 their due diligence. They have to call public
3 hearings. They have to have a recommendation, so
4 they have to do their due diligence and you have a
5 pilot program that should not take weeks to think
6 of and follow up on. It should take months
7 because you want to get the pilot right. Pilot
8 programs don't occur over night, so I don't know
9 why you think that consulting with the community
10 boards would lengthen that time inordinately. I
11 do not think it would. So on both issues I take
12 exception to your position. I am willing to work
13 with you on my bill. I am sure Councilman Recchia
14 will work with you as well and Chair Brewer, but
15 I do think that we have addressed issues here that
16 must be addressed, and we just can't say we
17 already have enough transparency. I do not think
18 that is the case, and I think that we have cited
19 examples where that has not been the case.

20 SAMI NAIM: Just as a general
21 matter, surely engaging the public, engaging
22 community boards, engaging the board of an agency
23 is in our interest, and to the extent that we can
24 work with Council to get it right, we look forward
25 to that opportunity.

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2 CHAIRPERSON BREWER: What is the
3 process for a pilot program versus a new
4 initiative? How is that different?

5 SAMI NAIM: Not familiar with all
6 pilot programs per se. I haven't pursued one. I
7 am more familiar with the CAPA process, but I
8 would say though that not every pilot program is
9 the same, and so some pilot programs currently as
10 drafted they all sort of fall into one bucket, but
11 some pilot programs could be under the definition
12 it would be defined as a pilot program, but to use
13 different light bulbs in a certain district office
14 could be defined as a pilot program, but yet we
15 have other pilot programs such as pedestrian plaza
16 as you mentioned, so I think as we said in the
17 testimony we are looking forward to working with
18 Council to refine just what it is we are seeking
19 to capture and to identify a way to engage
20 communities in the best manner.

21 CHAIRPERSON BREWER: Do the pilot
22 programs have to go through CAPA or is it not
23 clear?

24 SAMI NAIM: CAPA--it's kind of
25 unclear in the abstract. Some pilot programs

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2 would never be even if adopted into a citywide
3 project a rule, so to the extent that a pilot
4 program eventually becomes a rule then it would go
5 through CAPA, but like for example, the light bulb
6 example going from trying out a different light
7 bulb in an office. I am not sure if that would be
8 memorialized in a rule.

9 CHAIRPERSON BREWER: Having been in
10 government for a long time, I know how to get
11 around the art commission. I like the art
12 commission, but I know exactly how to go around.
13 You call it a pilot program, so if you want to do
14 something in front of City Hall, which I have
15 done, I put two kiosks there, and you weren't
16 supposed to 'cause it's landmarked, but I just
17 called it a pilot kiosk. I know how to do that.
18 So the question is something like this--I guess
19 what I am thinking, and I understand this--when
20 you want to get something through you kind of call
21 it a pilot program, but it really is more of
22 something that is more substantive. So I guess
23 one of the challenges for my colleagues is in
24 doing this legislation is what is a pilot program
25 and define that, and then maybe we could get to

1 the fact that what the public input should be.

2 But I think any commission is going to be like me,
3 how I get around a controversial issue, I think we
4 are calling it a pilot program, and that might be
5 where the problem is. Anyway...

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7 SAMI NAIM: I should just also note
8 that sometimes pilot programs are also intended to
9 test something out because you don't want to use
10 significant resources if it is not going to work.

11 CHAIRPERSON BREWER: I think there
12 are two kinds of pilot programs. There is the
13 kind you want to test and then there is the kind
14 you want to get around a program that is
15 controversial. That is what I think. Council
16 Member, you had a question? Council Member
17 Domenic Recchia?

18 COUNCIL MEMBER RECCHIA: Thank you,
19 Madam Chair and I want to thank you for your
20 leadership for this Committee, doing a great job.
21 I am the sponsor of this bill--927, and the way
22 that this came about is that first it started off
23 with one agency doing a pilot program, then
24 another agency, then another agency, and then all
25 of a sudden, the booting program came out. Okay?

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2 And all of a sudden it got rammed down our
3 throats. The community boards were never notified
4 about it. I had to go before my community board
5 and explain what was going to happen in New York
6 City. So now it just gets to the point where
7 enough is enough. So again, I think my colleague,
8 Gale Brewer, is right is what is a pilot program,
9 but in your testimony, you put some programs are
10 of limited duration lasting for only a few days.
11 Could you tell me what pilot programs only lasted
12 a few days?

13 SAMI NAIM: Again, I haven't
14 navigated the process for a pilot program or
15 managed one myself, but I do live in Astoria, and
16 anecdotally, I was buying fruit one day from
17 United Brothers on One 30th Avenue and I noticed
18 that there was a pedestrian plaza one weekend, and
19 it was for a weekend, but that is just my personal
20 anecdote.

21 CHAIRPERSON BREWER: We call those
22 pop ups and we love them, but then the question
23 would be, is that something that is going to be
24 every weekend?

25 COUNCIL MEMBER RECCHIA: I want to

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2 know what limited duration--what pilot programs
3 only lasted a few days? What pilot programs?

4 SAMI NAIM: Yeah, I am not sure. I
5 can get back to you regarding that--

6 COUNCIL MEMBER RECCHIA:
7 [interposing] Let me tell you the problem that I
8 have. You come before this committee. You come
9 before this City Council, and you make a statement
10 some programs are of limited duration lasting only
11 for a few days. That is why you objected to my
12 bill, and I ask you what pilot programs last only
13 a few days, and you don't have an answer for me.
14 How could you come before this committee and be
15 unprepared? Answer me. How could you come before
16 this committee and make a statement without any
17 evidence and back this up?

18 SAMI NAIM: So again, I am more of
19 the rules person, but I could state again I
20 believe the pedestrian plaza on 30th Avenue is for
21 a weekend to test, and qualified as a pilot
22 program. I think one of the challenges is that
23 there may be--the definition is broad, and so
24 there may be pilot programs of limited duration
25 and there may be pilot programs such as the one

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2 you mentioned, the booting program, which are of
3 larger scope and size, and so in our testimony, we
4 are stating that if we could define the pilot
5 program that we are concerned about, that would be
6 helpful in sort of gauging how to best engage the
7 community board, so like you said we are not
8 caught off guard by a program that has a major
9 impact.

10 COUNCIL MEMBER RECCHIA: My
11 position is very, very clear. The community
12 boards aren't notified. The City Council Members
13 aren't notified when these pilot programs are
14 starting, and it is just not right, and it gets to
15 the point where we have come to the point where we
16 don't want to do this. You are forcing us to do
17 this. Everybody has a pilot program today. The
18 reason why the booting wasn't put out to bid
19 because it's a pilot program. So that is another
20 issue. It gets around the bid process. It gets
21 around--it's a very complicated issue, but I
22 really believe that we really need to sit down to
23 move this forward. I think I made my point that a
24 two month notice is not unreasonable 'cause
25 community boards need to know, but I do understand

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2 that there are times in cases of emergency that we
3 need to do programs. That is understandable, but
4 when every city agency is doing pilot programs we
5 in the City Council say we have got to stop, we
6 have got to understand what is going on here. We
7 would like to sit down with you, but I think I
8 made my point. I think when you come before this
9 committee and testify you should know exactly--
10 have examples for us.

11 SAMI NAIM: And the point of
12 community engagement is one well taken, and I
13 think our idea was just that we could continue to
14 work on the pilot programs that are of concern so
15 we are not--so if DCAS asks for new light bulbs we
16 are not doing a two month lead time to test that
17 new light bulb for a weekend when there is like
18 something along the lines of a major pilot program
19 that has a major impact among members of your
20 community. We want to make sure that everyone is
21 engaged.

22 COUNCIL MEMBER RECCHIA: I think
23 there are lots of things, programs that impact all
24 of our communities, and we don't find out about it
25 until it is happening, and that is why you are

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2 forcing us to implement this bill, but I think I
3 made my point. Thank you very much, Gale Brewer.

4 CHAIRPERSON BREWER: Thank you. I
5 think the issue is how do you define pilot? How
6 do you define a major change? Again, maybe you
7 need to spend some time on that because I
8 understand from the mayor's perspective, the
9 Administration's perspective trying to find ways
10 to get agendas moved, but and as transparent as
11 you are, if you keep using the word pilot and
12 using it as a way around, it is not going to be a
13 transparent process. I think it is something that
14 you could work on in terms of the legislation and
15 the wording. Go ahead.

16 COUNCIL MEMBER RECCHIA: I have one
17 follow up question.

18 CHAIRPERSON BREWER: Domenic always
19 has a follow up question.

20 COUNCIL MEMBER RECCHIA: In the
21 bill it is a two month notice period. What do you
22 feel is a reasonable notice period?

23 SAMI NAIM: I think as we have
24 stated that it all depends on the pilot program
25 that we are talking about, so again, if there is

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2 something that is an overnight pilot that we want
3 to try something quickly overnight, what that
4 project is, the scope of the project--I mean it
5 would be based on a number of factors, but
6 certainly it's kind of difficult to move backwards
7 unless we have the target of what program we are
8 talking about. So I mean if there is something
9 of--

10 COUNCIL MEMBER RECCHIA:

11 [interposing] So based on the length of the type
12 of program, that is the--

13 SAMI NAIM: I would say like a
14 number of factors, like length of the program, its
15 impact, its scope, but you know, I guess as we
16 kind of dig down and dig deeper into what we are
17 addressing, which type of program we would be
18 addressing, we could certainly assess..

19 COUNCIL MEMBER RECCHIA: Okay.

20 Thank you very much.

21 CHAIRPERSON BREWER: Council Member
22 Vacca?

23 COUNCIL MEMBER VACCA: Just
24 quickly, I mean I want to take exception to
25 something here where it says the bill as written

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2 does not provide an exception for when the city
3 must respond swiftly to a situation that threatens
4 the public health or safety. You know that most
5 of these pilot programs do not look to address
6 immediate concerns of public health and safety and
7 the sponsors of these bills are not looking to
8 impede the city's response to emergency
9 situations. When you address emergency
10 situations, you don't have a pilot. You get off
11 your rump and address the problem, and we don't
12 expect you to go for a 60 day comment period. So
13 I really think that that remark takes away from
14 the significance of what we are trying to do.
15 Pilots are fine, but we do not want pilots to be
16 used as a way to get around community notification
17 and input, and that is what we are trying to do
18 with this legislation. Thank you.

19 SAMI NAIM: I believe the emergency
20 language was with respect to the rules bill to
21 clarify.

22 CHAIRPERSON BREWER: Have you ever
23 sat down or CAU [phonetic] sat down with the
24 community boards to see if there is a process in
25 terms of notification that they would prefer or

1
2 like in order to deal with some of these issues?
3 Be it the CAPA--in other words, is the CAPA
4 procedure working? Sort of a discussion 'cause
5 obviously we do sit down on community boards on
6 other topics, but does anybody sit down to the
7 best of your knowledge from CAU or from your
8 office with the boards to see if this process
9 works?

10 SAMI NAIM: Not to my knowledge
11 with respect to CAPA although I do know just from
12 the NYC Rules website since we have launched the
13 website, we have received exponentially more
14 comments. The public is more engaged, but point
15 taken, it would be good to kind of sit down with
16 people to see how we can further enhance outreach
17 when it comes to the comment period.

18 CHAIRPERSON BREWER: I have had
19 some--not in this particular situation--I have had
20 some problems with DHS in terms of comment periods
21 and notification, but I do think the community
22 boards are the best place to get input. It is
23 good to hear how many unduplicated hits you are
24 getting, but it is also good to get information
25 firsthand, so that would be great. Thank you very

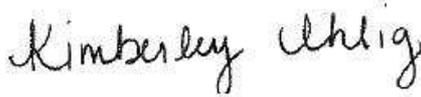
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2 much. I appreciate this. I hope we can work to
3 come up with language that is acceptable to you
4 and to these two exceptional Council Members.

5 Thank you very much. There is public testimony
6 that has been submitted from the Livery
7 Roundtable, and they are supportive of the
8 legislation, particularly of 951. If anybody else
9 wants to testify let us know, otherwise we look
10 forward to working on this legislation with the
11 Council Members and staff, and we appreciate
12 everyone who is here today. Thank you very much.
13 This hearing has ended.

C E R T I F I C A T E

I, Kimberley Uhlig 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

Handwritten signature of Kimberley Uhlig in cursive script, written over a horizontal line.

Date

4/16/13