

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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October 29, 2013  
Start: 10:35 a.m.  
Recess: 10:41 p.m.

HELD AT: 250 Broadway - Committee Rm,  
14th Fl.

B E F O R E:  
Gale A. Brewer  
Chairperson

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



2 [gavel]

3 CHAIRPERSON BREWER: Good morning I am  
4 Gale Brewer and I'm welcoming everyone to the  
5 Committee on Governmental Operations. I'm delighted  
6 to have Councilmember Vacca, Councilmember Valone,  
7 Councilmember Dickens and we're here to talk about  
8 a bill that is sponsored by Councilmember Jimmy  
9 Vacca and it is proposed Intro number 951-A. It  
10 will continue our council effort to make New York  
11 City's government as transparent as possible. 951-A  
12 is a common sense piece of legislation that patches  
13 up a loop-hole in the city's administrative  
14 procedure act or CAPA. Normally the most  
15 significant part of an agency rulemaking from the  
16 prospective of the public is when a rule is  
17 proposed. The public is invited to comment on  
18 rules, proposed rules, and agencies must make those  
19 comments, take those comments into account when  
20 finalizing a rule. For most agencies the  
21 commissioner of the agency is the only one that  
22 needs to approve it. That is not the case when an  
23 agency is a commission or a board. For those  
24 agencies such as a taxi and limousine commission,  
25 the commission or board members typically need to

2 vote on any final rule. Despite this requirement  
3 the CAPA process is the same as for agencies at  
4 which a commissioner is making the decision. There  
5 is no notice requirement for the members of the  
6 board or commission to ensure that they have time  
7 to see a rule before they vote on it. So it's  
8 possible that a rule has been negotiated throughout  
9 the night and the next day the members of the  
10 commission show up and they are told that they have  
11 to vote on this final rule that they have not seen,  
12 have not participated in the negotiations over. In  
13 fact we've heard that's how the taxi and limousine  
14 commissions sometimes does business. It is sensible  
15 and fair that members of boards or commissions  
16 should be able to take some time to review the  
17 content of a final rule before they vote on it.  
18 Councilmember Vacca's Intro 951 would ensure that  
19 they had at least three days to review final rules  
20 before they need to vote. And I would like to call  
21 on Councilmember Vacca. Thank you very much.

22 COUNCILMEMBER VACCA: Thank you

23 Councilmember Brewer and I urge my colleges to vote  
24 yes on this bill. I think that this sets a precedent  
25 I hope. I think that it could have been stronger, but

1 I wanted to send a message that city boards and  
2 commissions are no different than the council when it  
3 comes to transparency and I wanted to send a message  
4 that there should be a prior notice that these boards  
5 and commissions must adhere to and I think that this  
6 bill does. I would have liked to have seen more than  
7 three days. I would have liked to have seen more of,  
8 of a, of a, of an impact on all the pilot programs  
9 but I think that what we're doing today is a  
10 beginning and hopefully we can build on that going  
11 forth. So I urge the members to vote yes on Intro  
12 951-A.  
13

14 UNIDENTIFIED WOMAN: Any other comments?

15 COUNCILMEMBER BREWER: Thank you very  
16 much, I hope the clerk will call the roll and I would  
17 like to add my name to this legislation. Thank you.

18 FALEA(sp?) MARTIN: Falea Martin,  
19 Committee clerk. Roll call vote on Committee on  
20 Governmental Operations. Introduction 951-A. Council  
21 Member Brewer.

22 COUNCIL MEMBER BREWER: I vote aye.

23 FALEA MARTIN: Vallone?

24 COUNCILMEMBER VALLONE: Aye.

25 FALEA MARTIN: Dickens?

2 COUNCILMEMBER DICKENS: Aye.

3 FALEA MARTIN: By a vote of three in the  
4 affirmative, zero in the negative, and no extensions,  
5 item is adopted. Members please sign the committee  
6 report. Thank you.

7 COUNCILMEMBER BREWER: Thank you very much  
8 and I want to thank the amazing staff who puts this  
9 together each and every time for their work. I want  
10 to thank David Seitzer(sp?) who's council to the  
11 committee Tim Madisoft(sp?) policy analyst and Will  
12 Colegrove from my office. Thank you very much and  
13 this committee has now ended.

14 [gavel]

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