



OFFICE OF THE MAYOR  
THE CITY OF NEW YORK

PATRICK A. WEHLE  
DIRECTOR OF CITY LEGISLATIVE AFFAIRS

November 27, 2013

RECEIVED - MANHATTAN  
OFFICE OF THE CITY CLERK  
2013 NOV 27 P 12:04

Michael McSweeney  
City Clerk of the Council  
141 Worth Street  
New York, NY 10013

Dear Mr. McSweeney:

Transmitted herewith is the bill disapproved by the Mayor. The bill is as follows:

**Introductory Number 951-A**

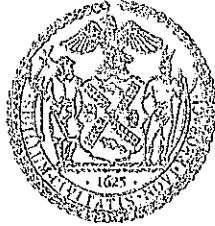
A local law to amend the New York city charter, in relation to public notice of final rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick A. Wehle", written over a horizontal line.

Patrick A. Wehle

cc: Honorable Christine C. Quinn



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

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November 27, 2013

Hon. Michael McSweeney  
City Clerk and Clerk of the Council  
141 Worth Street  
New York, NY 10013

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory Number 951-A, which amends the City's Administrative Procedure Act ("CAPA") by increasing the amount of notice required for votes on final rules by certain boards and commissions, and which also creates additional procedural hurdles for the Taxi and Limousine Commission ("TLC") to adopt pilot programs.

Introductory Number 951-A provides that boards and commissions may not adopt any final rule unless they have posted the final language on their website and provided the final language to board or commission members at least three calendar days prior to a final vote on the rule. Similarly, Introductory Number 951-A provides that the TLC may not adopt any pilot program unless it has posted the resolution approving the pilot program on its website and provided the resolution to commissioners at least three calendar days prior to a final vote.

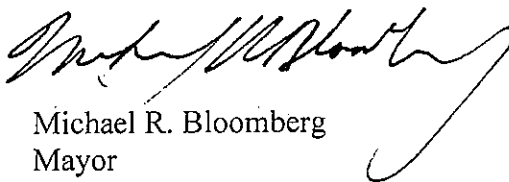
These new requirements would harm the public interest by unnecessarily increasing the complexity of the process that boards and commissions must follow in promulgating rules that serve the public interest. Currently, boards and commissions may adopt a final rule, following a public hearing on the rule, simply by a majority vote in favor at a public meeting. Under Introductory Number 951-A, board or commission members may not adopt a final rule unless it is posted online and distributed to them at least three days in advance of their meeting. Moreover, board or commission members would be bound to the text of the final rule as posted online and distributed in advance unless they voted unanimously to revise it.

These new procedural hurdles would not increase transparency. CAPA already provides for an extensive notice and comment period to allow the public to comment on proposed rules, and to allow boards and commissions to consider those comments before a final vote. The goal of notice and comment – as well as City websites allowing for electronic comments – is to solicit ideas for how to change and improve a rule from the version that was first published in the City Record. These ideas are, of course, taken under consideration by all rulemaking agencies, including boards and commissions. This bill would not expand the opportunity to comment on rules in any meaningful way, nor is it likely that it would provide board or commission members with any new information. Instead, Introductory Number 951-A would disempower boards and commissions by taking away their ability, by anything less than a unanimous vote, to make necessary changes to a rule that may result from discussion of the rule at the public meeting prior to its adoption. Board or commission members who choose to carefully consider a rule before voting to adopt it would be forced to either delay the entire rulemaking process by at least thirty days until the next meeting or to seek unanimous consent for a change they consider necessary. This would have the perverse effect of making board or commissioner members less likely, rather than more likely, to consider public comment on the rule.

Introductory Number 951-A's micromanagement of TLC's pilot program approval process is also misguided. TLC has already developed a regularized and transparent process for the review, approval and implementation of pilot programs, which includes the Law Department review and approval of program documents. As with the new CAPA requirements in Introductory Number 951-A, the new restrictions on pilot program approval would have the perverse effect of making the Commission less likely, rather than more likely, to consider public comment on the program, to avoid the likelihood of delay caused by changes that do not have unanimous support.

Because the additional procedures required by Introductory Number 951-A would serve only to prolong rulemaking by boards and commissions without enhancing the efficiency or openness of the regulatory process, I hereby disapprove Introductory Number 951-A.

Sincerely,



Michael R. Bloomberg  
Mayor

Cc: The Honorable Christine C. Quinn