

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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February 4, 2014
Start: 12:35 p.m.
Recess: 12:56 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
BRAD S. LANDER
Chairperson

COUNCIL MEMBERS:

Inez E. Dickens
Daniel R. Garodnick
Ydanis A. Rodriguez
Margaret S. Chin
Deborah L. Rose
Jumaane D. Williams
Rafael L. Espinal, Jr.
Mark Levine
Vincent M. Ignizio
Melissa Mark-Viverito
David G. Greenfield

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

2 [background comments]

3 CHAIRPERSON LANDER: Alright, very good.

4 [laughter, background comments]

5 [gavel]

6 CHAIRPERSON LANDER: Good afternoon and
7 welcome to the Committee on Rules, Privileges and
8 Elections; I'm City Council Member Brad Lander; I
9 chair this committee; I apologize for our slightly
10 late start, but thanks to Council Member Chin, there
11 was delicious Lunar New Year celebration downstairs,
12 so.

13 We are joined this morning by Council
14 Member Ydanis Rodriguez of Manhattan, Minority Leader
15 Vinny Ignizio from Staten Island, Council Member
16 Garodnick from Manhattan, Council Mark Levine from
17 Manhattan, Council Member Margaret Chin from
18 Manhattan, the Speaker, Melissa Mark-Viverito from
19 Manhattan, Council Member Espinal from Brooklyn,
20 Council Member Rose from Staten Island. And I'd also
21 like to acknowledge and thank the Committee's
22 attorney, Amatullah Booth, as well as Chuck Davis and
23 Nadir Joshua for helping organize the hearing, our
24 Clerk, William Martin, as well as Alix Pustilnik and
25 Rob Newman and Michael Freedman-Schnapp for helping

2 us to prepare for this hearing and the one that we
3 held last week.

4 We have two items on our calendar today
5 -- the consideration of the Mayor's nomination of
6 Mark Peters to serve as Commissioner of the New York
7 City Department of Investigation and also a
8 resolution approving a couple of membership changes
9 to standing committees and a subcommittee, which
10 we'll do at the end.

11 On January 30th, 2014 this committee held
12 a public hearing regarding the Mayor's nomination of
13 Mark Peters for appointment as the Commissioner of
14 the New York City Department of Investigation; the
15 transcript of that hearing is available on the
16 Council's website and there are actually a few copies
17 here as well.

18 I wanna thank the members of this
19 committee for your good and serious questions at that
20 hearing, the staff for all their hard work in
21 preparing materials for our consideration,
22 establishing these very extensive briefing books, and
23 also to Mr. Peters, who's here with us today, again
24 for his time, patience and open spirit in answering
25 all of our questions. Today this committee and later

2 the Council will consider whether to give its advice
3 and consent for Mr. Peters. As stated at the hearing
4 last week, on January 30th, the Commissioner of the
5 Department of Investigation heads the New York City
6 Department of Investigation and pursuant to the City
7 Charter, the Mayor appoints the commissioner with the
8 advice and consent of the City Council. The
9 commissioner is required to be a member in good
10 standing with the bar of the State of New York, have
11 at least five years of law enforcement experience;
12 the current annual salary is \$205,180.

13 DOI has jurisdiction over any agency,
14 officer or employee of the City, including the City
15 Council, any person or entity doing business with the
16 City, any person or entity that is paid or receives
17 money from or through the City, and any agency of the
18 City.

19 The commissioner is also responsible for
20 approving the appointments of all New York City
21 Agency Inspectors General, including as a result of
22 Local Law 70 passed by the Council last year, the New
23 NYPD Inspector General and promulgating the associate
24 standards of conduct for such appointed positions.

25 The DOI commissioner monitors and evaluates the

2 activities of these IGs to ensure uniformity of their
3 activities and those IGs report directly to the DOI
4 commissioner.

5 We're not gonna provide members
6 opportunity for comment or deliberation about Mr.
7 Peters' nomination and I'll take chair's prerogative
8 to offer a couple of comments first and then invite
9 other members, if you'd like to, to speak before we
10 vote.

11 To me it was very clear from our hearing
12 that Mr. Peters has the qualifications and the vision
13 to lead the Department of Investigation. He has a
14 long career in law enforcement, investigation, public
15 integrity, civil rights enforcement and oversight; he
16 outlined a thoughtful and detailed approach to the
17 position rooted in his experience and he has pledged
18 to go beyond investigating wrong-doing to engaging in
19 proactive enforcement, conducting integrity audits
20 and establishing procedures to prevent corrupt and
21 wasteful activities on behalf of the people of New
22 York.

23 So the only significant concern that
24 arose in our deliberations is whether Mr. Peters'
25 recent service as the treasurer for Mayor de Blasio's

2 campaign and transition and by extension, his
3 relationship with the Mayor, presents a problem for
4 the zealous fulfillment of his duties. And after
5 this committee's questioning of him at our hearing,
6 as well as a review of the transcript, the briefing
7 materials and the requirements in the Charter, I'm
8 satisfied personally that it does not present a
9 problem.

10 In exercising the Council's advice and
11 consent power, we're guided by the criteria set forth
12 in the City Charter; in the case of nominees for the
13 City's Conflict of Interest Board, for example, which
14 the Rules Committee will be considering in the near
15 future, the Charter spells out specific requirements
16 and criteria for independence, establishes terms of
17 office and provides that the Mayor can only remove
18 appointees for gross misconduct or under similar
19 circumstances. I believe it's important to note that
20 the Charter does not establish similar requirements
21 of independence for the Department of Investigation
22 Commissioner and this suggests that the Charter
23 framers did not intend that the DOI commissioner be
24 viewed as a separate independent check and balance on
25 the Mayor, but instead indeed is a member of the

2 Mayor's administration and that the work of advancing
3 integrity and a rooting out corruption are tasks by
4 which the Mayor, like this Council, shares
5 responsibility. Indeed as Citizens Union noted in
6 their testimony, Mr. Peters' service as treasurer
7 does not in and of itself disqualify him for this
8 position.

9 That said; it is of course essential that
10 the Commissioner of the Department of Investigation
11 uphold the agency's values of integrity, trust and
12 fairness and be fully committed to follow the facts
13 regardless of where they lead. He must be willing to
14 hold the Mayor, mayoral appointees and agencies and
15 indeed this Council accountable to our duties.

16 Mr. Peters' testimony last week convinced me that he
17 passes this test; he's shown that he will apply the
18 law as the facts dictate; as a member of the New York
19 State Public Integrity Commission he voted to levy a
20 large fine against Governor Patterson, who had
21 appointed him to the Commission and I appreciated his
22 thoughtful responses to committee questions about his
23 impartial commitment to the law, his relationship to
24 the Mayor, his approach to cases and consideration of
25 what circumstances would cause him to consider

2 recusing himself from an investigation. After
3 extensive consideration I'm comfortable, indeed
4 enthusiastic about casting my vote in support of
5 Mr. Peters.

6 When the new commissioner gets to work
7 he'll be charged, as mentioned earlier, with
8 selecting and overseeing the work of our city's first
9 NYPD Inspector General, a responsibility assigned by
10 this Council last term in a bill co-sponsored by
11 Council Member Williams and me and many of our
12 colleagues, playing an essential role in enhancing
13 the effectiveness of the NYPD, increasing public
14 safety, protecting civil liberties and civil rights
15 and increasing the public's confidence in the police
16 force, and I was encouraged to hear that Mr. Peters
17 is an enthusiastic supporter of this new office, sees
18 it success as a priority and is committed to working
19 with the Council in its establishment, including
20 publicly releasing the budget of the office in the
21 budget process this spring. I believe the people of
22 our city are better off with robust government
23 oversight and after today's vote look forward to
24 supporting the new commissioner's efforts toward a
25

2 New York City government characterized by trust,
3 integrity and fairness.

4 Thank you for your indulgence and I'll
5 now recognize any members of the Committee -- first
6 we've been joined by Council Member Inez Dickens of
7 Manhattan, welcome -- I'll recognize any members of
8 the Committee, beginning with the Speaker and then
9 Council Member Garodnick, who wish to offer
10 observations. [audio cut out]

11 SPEAKER MARK-VIVERITO: Thank you,
12 Mr. Chair and for the record, I did not get the memo
13 -- Happy Lunar New York, Margaret; I see that Inez
14 and Margaret did too, obviously.

15 You know, I really wanna commend the work
16 of this committee; I think that the example that was
17 demonstrated last week with the really thorough
18 vetting that was provided by this committed, by all
19 the colleagues that are here and others that joined,
20 is just a real reflection of how we will conduct
21 ourselves moving forward, fully understand the
22 importance of this position, that Mr. Peters was
23 thoroughly questioned and vetted demonstrates, again,
24 the value and the understanding of this City Council,
25 the importance that this position plays moving

2 forward, and for all the reasons that have been
3 outlined by the Chair in regards to the rules, the
4 responsibilities; what is outlined in the Charter. I
5 too was comfortable at the end of the day with the
6 line of questioning and the answers that were
7 received. So again I wanna thank all the colleagues
8 for really asking the questions that you asked and
9 Mr. Chair, for the way the hearing was handled and I
10 appreciate moving forward that we will continue to
11 operate in that way, with full accountability and
12 transparency, so thank you very much.

13 CHAIRPERSON LANDER: Thank you very much,
14 Madame Speaker; I recognize Council Member Garodnick.

15 COUNCIL MEMBER GARODNICK: Thank you,
16 Mr. Chairman. As you know at the hearing last week I
17 raised the question of how close is too close for a
18 mayor to be to his DOI commissioner. The fact that
19 Mr. Peters was the treasurer to the Mayor's campaign
20 as recently as early January raised obvious questions
21 about his ability to be impartial and independent
22 when pursuing impropriety in the mayor's domain. Our
23 constituents need to feel confident that the
24 Department of Investigation can act as an independent
25