

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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May 7, 2014  
Start: 1:30 p.m.  
Recess: 3:14 p.m.

HELD AT: Council Chambers  
Council Chambers  
City Hall

B E F O R E: Brad Lander  
Chairperson

COUNCIL MEMBERS:

Daniel R. Garodnick  
Deborah L. Rose  
Inez E. Dickens  
Jumaane D. Williams  
Margaret S. Chin  
Mark Levine  
Melissa Mark-Viverito  
Rafael L. Espinal, Jr.  
Vincent Ignizio  
Ydanis A. Rodriguez  
Andrew Cohen  
Elizabeth S. Crowley  
Paul A. Vallone  
Corey D. Johnson  
Inez D. Barron  
James Van Bramer

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

Susan Lerner  
Executive Director  
Common Cause New York

Gene Russianoff  
New York Public Interest Research Group

Alex Camadra  
Citizens Union

Jessica Walker  
Partnership for New York

David Moore  
Participatory Politics Foundation

Noel Hidalgo  
BetaNYC.



2 CHAIRPERSON LANDER: [gavel] Good  
3 afternoon. Welcome to the New York City Council's  
4 Committee on Rules, Privileges, and Elections. I'm  
5 Council Member Brad Lander, Chair of the Committee.  
6 I'm very pleased to be joined today by other members  
7 of the Committee who are here. Speaker Melissa Mark-  
8 Viverito, Council Member Jumaane Williams, Council  
9 Member Dan Garodnick, Council Member Ydanis  
10 Rodriguez, Council Member Inez Dickens, Council  
11 Member Margaret Chin, and Council Member Jimmy Van  
12 Bramer. And we're very pleased to be joined by  
13 several other council members today, who are not  
14 members of the Committee, but are here for our  
15 discussion on the rules. Council Member Andy Cohen,  
16 Council Member Rory Lancman, and Council Member  
17 Elizabeth Crowley. So welcome and thanks to all of  
18 you.

19 Today's Committee meeting will be  
20 addressing changes to Rules of the New York City  
21 Council to make the Council more responsible,  
22 transparent and effective legislature. And to get us  
23 started, I invite the Speaker Melissa Mark-Viverito  
24 to make an opening statement.

2 SPEAKER MARK-VIVERITO: Thank you, Mr.  
3 Chair. I'd like to welcome the public and those that  
4 are viewing online to this important hearing. As I  
5 said last week, these reforms are long overdue, and  
6 I'm thrilled that we're holding this hearing today as  
7 we continue our dialogue on improving fairness and  
8 inclusiveness of the New York City Council. My  
9 colleagues and I are committed to reforming how this  
10 body does business. We understood that change is  
11 needed, which is why so many of us committed to a  
12 rules reform process last fall, and that is why we  
13 took such a substantive approach to the process.

14 Reforming how the City Council does its  
15 business is critical. The New York City Council is  
16 the legislative body closest to New Yorkers. At its  
17 best, it provides residents of all communities with  
18 high quality representation on matters of  
19 legislation and policy, the City's budget, land use  
20 decisions, constituent services, and public  
21 information. What we're aiming for here are reforms  
22 that will create a more responsive, transparent, and  
23 inclusive legislative body that can be a stronger  
24 force for effective city government. They are  
25 reforms that will change the Council for the better,

2 making at more democratic, responsive, and  
3 transparent.

4 They are reforms, which will enable this  
5 body to function more efficiently, and more  
6 effectively, and these are reforms, which we can be  
7 proud of. So I thank you all for contributing to  
8 this process. I know we've been -- had an initial  
9 set of hearings. We've been asking for feedback,  
10 conversations, and old colleagues have been consulted  
11 as well. So we're very proud of how this process has  
12 been handled, and I look forward to hearing from our  
13 colleagues and the public at the conclusion of this  
14 hearing. Thank you.

15 CHAIRPERSON LANDER: Thank you, Madam  
16 Speaker. So, what we're going to do now is I'll make  
17 a sort of opening statement about the process we've  
18 had to date, and just walk us through what materials  
19 that we have. Members who are interested and would  
20 like to make an opening statement on the proposed  
21 reforms we'll do that. And then we have a couple of  
22 panels signed up to testify.

23 Pursuant to Section 46 of the New York  
24 City Charter, the Council is required to adopt rules  
25 of its body at the beginning of every session.

2 During the Charter Meeting, which we held this year  
3 on January 8th, these rules govern the body of the  
4 Council. And address a wide range of areas,  
5 including, but not limited to, how committee chairs  
6 are elected; how our meetings take place; who can  
7 sponsor local laws; how those laws move to the floor;  
8 and how our proceedings are memorialized and made  
9 public.

10 A wide range of procedures, and I'll note  
11 they are separate from the Committee Packet. But for  
12 Council Members and interested members of the public,  
13 the Rules, which we adopted on the 8th of January,  
14 which are available currently on the Council website  
15 and also available here. And I'll note that the  
16 Rules Reform Bill that's being considered only  
17 includes those rules for which amendments are  
18 proposed. It doesn't have those provisions for which  
19 they aren't. So if you want to see the entirety of  
20 the Rules document, that's available here.

21 When we adopted this document on the 8th  
22 of January, the Speaker directed the Rules Committee,  
23 in addition to do its other work, to consider reforms  
24 to these documents. We've been joined by Council  
25 Member Helen Rosenthal. Welcome. And the goal of

2 doing that was to make for a more responsive and more  
3 inclusive and a more transparent Council. In many  
4 ways that was responsive to work that many members of  
5 the Council had done last fall, both new and  
6 returning members, outlining the goal of amending the  
7 rules in this term to achieve that additional  
8 transparency, fairness, and inclusive process.

9 So with that directive from the Speaker,  
10 the Rules Committee held a hearing to begin  
11 considering those reforms on February 24th, and many  
12 people who are in the room now were there, and  
13 testified. We took several hours of testimony, and I  
14 won't go through the list of all the couple dozen  
15 people who testified there. And some testimony also  
16 came in online. Welcome also to our Minority Leader  
17 Council Member Ignizio from Staten Island.

18 We set up a web portal so people could  
19 testify, and reached out to a wide range of groups.  
20 Subsequent to that hearing, we set up a member survey  
21 process so that members, since these are our rules,  
22 could give anonymous feedback. And we received  
23 feedback from several dozen members, and the results  
24 of that survey, which was again done in a way that  
25 was anonymous to enable people to speak freely, is



2 provided in the Community Report. So folks who are  
3 interested can see the results.

4 With that information, with help from  
5 staff, who did some research. And I really want to  
6 acknowledge the folks who did that research. Counsel  
7 of the Government Operations Committee, David  
8 Seitzer; Michael Friedman-Schnapp, Ivan Luvenanos,  
9 Rachael Goodman, the Counsel to this Committee;  
10 Amatullah Booth; and sitting in today Jeremy Plofker,  
11 Gary Altman, and Ramon Martinez all very helpful in  
12 developing that process, and I want to thank my Chief  
13 of Staff Rachel Goodman for her help and assistance.

14 We took all of that material, the  
15 testimony, the number of feedback, research on other  
16 legislative bodies. And how their rules work, and  
17 developed the Rules Reform Proposal that's on the  
18 table today. And you have it in your Committee  
19 Packets essentially in two forms.

20 One is the actual Resolution proposed by  
21 the Speaker, which is a blackline of the Rules  
22 themselves, and contains all the changes that are  
23 being proposed, both additions and deletions. That  
24 document obviously is in the order of the Rules, and  
25 it may be easier to look at those changes in the

2 Summary document that we prepared, which is also in  
3 the committee packages, which groups things in  
4 categories. And I'll just run through those briefly  
5 again. The materials are all here, and we'll go  
6 through them as people have specific things to say on  
7 them. But just to flag the broad categories of  
8 reforms that are being proposed in today's  
9 Resolution. The first is Member Item Reform, where a  
10 proposal is put on the table to move to a fair and  
11 objective measure. So that any items allocated to  
12 members for allocation at their discretion must  
13 either be equal or pursuant to a data driven  
14 objective formula that reflects actual differences  
15 between districts. Limitations on the Speaker's list  
16 and new and additional transparency and a reporting  
17 on member items, both how that's given to the public,  
18 and a requirement for groups to provide some  
19 information on how they use the grants.

20 The second category is Fair Consideration  
21 of Legislation. So the Rules contain a provision for  
22 a dedicated drafting unit; for a data base of LS  
23 requests; for the availability of fiscal impact  
24 statements; and legal memos; and then some new open  
25 data provisions, which we'll discuss. So we'll hear

2 about later today on legislation information how  
3 that's given to the public. And the new Super  
4 Majority Bill Sponsorship Provision that requires  
5 that any bills with 34 co-sponsors get a vote in  
6 committee on whether to have a hearing.

7 The third category is about empowering  
8 chairs and committees around topics and scheduling,  
9 staffing, meeting requirements, affirming that City  
10 government officials are telling the truth on  
11 limiting the removal of chairs.

12 The fourth category is a more transparent  
13 and inclusive Council. So some changes to the  
14 requirements to the Council's operating budget and  
15 financial reports; requirement for a public  
16 technology plan. And finally, a grievance procedure  
17 by which members can request and receive an advisory  
18 opinion about the rules, and whether they're being  
19 complied with.

20 So that's a high level review, and  
21 obviously we can drill in on details either that  
22 members want to talk about further or that members of  
23 the public want to testify on. I want to -- let's  
24 see, I thanked the staff. Let me welcome Council  
25 Member Debbie Rose, member of the Committee who has

2 joined. And I also just want to take a moment beyond  
3 the staff that specifically worked on this bill to  
4 acknowledge the broader City Council's team, a really  
5 truly exemplary legislative and central staff. We're  
6 lucky to have a team of dedicated hard-working  
7 professionals who serve as our lawyers, committee  
8 analysts, and bill drafters, all of whom take their  
9 responsibilities very seriously. And I appreciate  
10 the professionalism and diligence, and thank them for  
11 their continued service to the body.

12 And I just want to make sure that we're  
13 clear that the reforms included in today's  
14 legislation are intended to empower this institution  
15 and its members, and should not be read in any way as  
16 a reflection on the talents or professionalism of the  
17 staff that we feel lucky to have. And that the goal  
18 of the reforms that we're proposing today, that are  
19 being proposed today under the Speaker's leadership,  
20 are to move the institution forward into the future  
21 together.

22 So with that, let me open it up. If  
23 there are other members of the Committee that would  
24 like to make opening statements before we move to  
25 testimony, either general ones or on any specific

2 items in the proposal, we have signed up to make  
3 those opening statements Council Members Crowley,  
4 Ignizio, and Van Bramer and then Williams and  
5 Garodnick and Lancman. Garodnick. Okay, Council  
6 Member Crowley.

7 COUNCIL MEMBER CROWLEY: Good afternoon.

8 I want to thank the Speaker and the Chairman of the  
9 Committee and the Committee for your work on this  
10 bill, this proposed reform. I want to thank all my  
11 colleagues for participating in the reforms. I  
12 support them. I may have some ways of submitting  
13 comments as it relates to the Committee Chairperson  
14 working closely with the staff in making sure that  
15 the staff is more accountable to the Chair of that  
16 particular committee. But broadly as it relates to  
17 member items, I've spoken in the past about the  
18 previous councils and their previous administrations,  
19 and that certainly was not fair nor transparent.

20 So I believe what we're doing here today,  
21 and that we'll be doing this Friday is making sure  
22 that our tax dollars are spent in a way that is fair.  
23 And that those programs that need it most in our  
24 communities that depend on those dollars will receive  
25 them. And will not get funding cut because of some

2 political agenda. So I think that is fair to give it  
3 equal amounts. And based on whatever data is used to  
4 fund more for certain districts or programs that are  
5 in need, I fully support. And also as it related to  
6 fair consideration of legislation, I've also had in  
7 the past too much delay, and not enough response as  
8 to why a certain piece of legislation would not move  
9 as you would remember.

10 The body supported that paid sick leave,  
11 and that was delayed far too long. And that's just  
12 an example of lack of consideration on legislation.  
13 And so I do believe that this will make sure that  
14 this is a full-bodied Council that is empowered to  
15 help the people of New York in a better way. So I  
16 support these reforms, and I look forward to our  
17 continued work on it. So thank you.

18 CHAIRPERSON LANDER: Thank you, Council  
19 Member. Minority Leader Ignizio.

20 MINORITY LEADER GNIZIO: Thank you, Mr.  
21 Chairman, and I just wanted to point out that it's  
22 always easy to request of leadership to dilute their  
23 own power when you're not in leadership. It's a  
24 whole different story for those who in essence delete  
25 -- dilute their power. And to give powers to the

2 members when you're sitting in the position of power.  
3 And that's pretty much what this Council is doing.  
4 And Mr. Chairman, under your leadership who has been  
5 fighting for this for quite some time, you will do --  
6 you are just due for the amount of work that you put  
7 into this. And I think this is Rules Reform package,  
8 and there's no perfect Rules Reform package. We  
9 should start there.

10 But it was disguised -- was -- I'm trying  
11 to think of the right word. It was brought forward  
12 in the spirit of equity, in the spirit of fairness,  
13 in the spirit of respect for dissent, and that's  
14 where on behalf of the Minority Caucus I'm speaking,  
15 too that the Council sent a message that you can  
16 disagree with the bill. You can disagree with a  
17 program. You can disagree with the leadership, and  
18 there's not going to be punishment that you have to  
19 be fearful of to the people that you represent. And  
20 that's somewhat of what occurred in previous  
21 councils, and not just any councils, just the  
22 previous council of all those that have gone before  
23 us.

24 And the hope and the leadership that the  
25 Speaker provider provided in saying that we're not

2 going to be tolerating any more, as well as the  
3 Chairman, ought to be commended. And the job that we  
4 are doing here today will reverberate to every person  
5 in the city in one way or another that our  
6 constituencies may not fully appreciate right now.  
7 But this is a major step towards a more equitable  
8 body, and the members of the minority support it.  
9 Most, probably not all, but that's just when you have  
10 just a large amount of rules. But I think this is a  
11 good step, and I think that you, Mr. Chairman,  
12 deserve credit for taking on. And Madam Speaker for  
13 being supportive, and ensuring that we have a more  
14 equitable body going forward, which will outlive us  
15 all. Thank you.

16 CHAIRPERSON LANDER: Thank you very much,  
17 Council Member. We are joined by Council Member Ben  
18 Kallos from Manhattan. Majority Leader Van Bramer.

19 COUNCIL MEMBER VAN BRAMER: Thank you  
20 very much, Mr. Chair. I want to join the Minority  
21 Leader in thanking Speaker Mark-Viverito, and  
22 yourself as the two who primarily spearheaded this.  
23 And as the Minority Leader just said, there are some  
24 things that they may disagree with. But partly  
25 because of the leadership of Speaker Mark-Viverito



2 there can be a respectful dissent and now no longer  
3 the fear of reprisals. These Rules changes are  
4 transformative.

5 They represent a more equitable and needs  
6 based distribution of tax dollars, which is really  
7 important. This represents a more Democratic City  
8 Council, a more transparent City Council, and  
9 inclusive. Inclusive not only in the public, but  
10 inclusive within this body. This process has been  
11 very, very inclusive of others' thoughts and  
12 opinions. And I'm just very excited when a number of  
13 us signed up for reform. I think some people thought  
14 that it might never happen, that should we be able to  
15 elect a new speaker that this might not happen, but  
16 it has happened. It is happening, and that is a  
17 remarkable accomplishment on the part of the members  
18 of this Council.

19 And none more so that a Speaker of the  
20 City Council who has very much followed through with  
21 these reforms. So I just want to say thank you to  
22 all of my colleagues, but particularly to the  
23 Speakers who has given so much to this process. And  
24 allowed this to happen, and, of course, to our Chair  
25 Brad Lander, who has been fighting for these kinds of

2 reforms for a long time. So I just want to say thank  
3 you for helping to make this day a reality.

4 CHAIRPERSON LANDER: Thank you. Council  
5 Member Garodnick.

6 [Pause]

7 COUNCIL MEMBER GARODNICK: Thank you very  
8 much. I wanted to joint the thanks to you, Mr.  
9 Chairman and also the Speaker. It was a very, very  
10 thoughtful proposal, and a lot of work went into it  
11 and we all appreciate that. I support almost all of  
12 these Rule Proposals, and to the extent that we tweak  
13 a little here and there, I think that's the purpose  
14 of this hearing. I certainly look forward to that  
15 conversation. I would just flag the only one that I  
16 think is perhaps in the wrong direction, and that is  
17 the proposal for the Super Majority Bill Sponsorship  
18 Rule that would provide that bills with 34 co-  
19 sponsors must have a committee decide whether to hold  
20 a hearing on the bill.

21 And as we have discussed, and as I have  
22 said before, while the intent of this I think is  
23 right on. If a bill has 34 co-sponsors there should  
24 be a presumption that it's going to have a hearing.  
25 In fact, there probably is even a lower threshold

2 where that presumption would exist. I happen to  
3 think that automatic triggers in the rules are  
4 probably a bad practice for us. There are -- I don't  
5 think there are other examples of things, which  
6 require automatic action by the Council in the Rules.  
7 This would be, I believe, a first. I also think that  
8 we might not want to trigger that conversation at a  
9 particular moment for a particular bill, for any  
10 number of reasons.

11 And I think that we should reserve the  
12 right to do that, and allow the political process to  
13 be a political process, have those conversations with  
14 our colleagues, the Committee Chair, and Speaker, and  
15 see where we come out. And lastly, I just wanted to  
16 note that the existence of a sponsor's privilege  
17 within the Rules. Which already exist within the  
18 Rules, are something that gives you as the sponsor of  
19 a bill the opportunity frankly to demand. And to get  
20 a hearing on a bill that you have sponsored provided  
21 that 60 days have passed from the point that you  
22 introduced it.

23 And provided that you've just written a  
24 letter to the Chair of the Committee. You will get a  
25 hearing, and a vote on that bill under the existing

2 rule. So to me adding this one is not a necessary  
3 one. It is small potatoes relative to the  
4 extraordinarily good and dozens of proposals that are  
5 in here. But since you invited a commentary at the  
6 outset, I just wanted to flag that one. I also would  
7 like to hear from the advocates whether they agree or  
8 disagree on this point. But with that one small  
9 exception, I just want to say again, Mr. Chairman did  
10 a tremendous job on all of these, and I look forward  
11 to further conversation on this one in particular.

12 CHAIRPERSON LANDER: Thank you. Council  
13 Member Williams.

14 COUNCIL MEMBER WILLIAMS: Thank you very  
15 much. I'm actually excited about this. Since I've  
16 been elected there's been a few things that I've seen  
17 just come from conversations, and actually just  
18 become enshrined in what's going on in the Council.  
19 I was proud that I was able to pass a bill that  
20 codified how we gave out funding last term.  
21 Obviously, the Community Safe Act was also wonderful  
22 to see the ID [sic] here now, and I was proud to be a  
23 part of four people, myself, Council Member Cabrera,  
24 Council Member Greenfield, and the Chair, who really  
25

2 started talking about these reforms, and putting some  
3 things together that people would think about.

4 And obviously, I want to send  
5 congratulations to the Chair, who just do a  
6 tremendous amount of work in bringing us to where we  
7 are today, and it's great to see that that is  
8 happening. I also want to just say we're never going  
9 to take politics out of politics. And so the people  
10 who keep -- There are certain folks that just keep  
11 pushing more and more. And I just want to make sure  
12 that we never get to a point where people can't move  
13 as human beings or move to be able to do our job the  
14 way we need to do it. But we should always push the  
15 envelope, and I think we're doing that here today.

16 And I'm very proud to be a part of this.  
17 I think Frederick Douglass said that power can seize  
18 nothing without the man. I think we pushed back here  
19 a little bit on that on that, and I think the Speaker  
20 pushed back a little bit on that statement here  
21 today. And I want to give her credit for actually  
22 not only allowing this discussion, but encouraging  
23 it, and embracing everything that came out of it.  
24 Whether it was a full opinion or not, I want to make  
25 sure that she gets the credit that is deserved in the

2 media, and that is deserved in the public with the  
3 Speaker of this House encourages discussion and  
4 embraced everything that came out of it.

5 I think it is transformative. I do want  
6 to make a distinction of some of it changing, and  
7 some of it are actually -- some of them are actually  
8 codified rules changing. And some of them are  
9 cultural changes, which aren't less important. But I  
10 want to make the distinction that we had some of the  
11 things already, but as a culture not just from  
12 mention, not just from one speaker. But speakers  
13 past just weren't encouraging the way it is now, and  
14 I'm very proud to associate with that.

15 I'm very proud to hopefully vote for  
16 this. I do have some questions. But one issue I  
17 have also is the one that Council Member Garodnick  
18 mentioned. I'm also not particularly passionate to  
19 vote against it because of that, but I'm just  
20 worried. I'm not sure how it works administratively  
21 moving forward if it -- what it messes up, it doesn't  
22 mess up. And that might just be a change that takes  
23 some time to get used to but I just wanted to flag  
24 that a little bit as well. But congratulations again

2 to Mr. Chair, to the Speaker, and to the entire  
3 Council.

4 CHAIRPERSON LANDER: Thank you, Council  
5 Member Lancman followed by Council Members Chin,  
6 Kallos, and Rosenthal and then we'll move to public  
7 testimony.

8 COUNCIL MEMBER LANCMAN: Well, thank you  
9 very much, and let me start where so many others have  
10 started as well, which is to thank the Speaker, and  
11 to you, Mr. Chairman, for the amount of work that you  
12 put into -- in proposing these new rules. But more  
13 importantly, to the Speaker in particular for her  
14 willingness to accede some of the authority, and  
15 prerogative that previous speakers have had. I think  
16 it's commendable. And also wise and she understands  
17 that the Council is stronger and better if all of the  
18 members have an opportunity to participate and  
19 contribute their ideas, and put forward the best  
20 legislative responses possible.

21 The Rules I think are a marketed  
22 improvement, and truly commendable. They're  
23 designed, I guess, in three -- towards three ends:  
24 To have great equity, and particularly as it relates  
25 to member items for its own sake, but also so that

2 this Speaker and future speakers would not be able to  
3 undermine the democratic process. And threaten and  
4 coerce members into taking positions or away from  
5 taking positions that they might otherwise want to  
6 take in the best interest of their constituents.

7 And their perception of what's of the  
8 best interest of the City, on threat of losing  
9 funding for an important project in their district.

10 And these Rules go a long way towards that. In  
11 improving transparency, the Rules go a long way  
12 towards that. The rules were formed in particular in  
13 increasing democracy within the body. There is one  
14 area, as you know, where I am still hoping that we  
15 can do a little better. It's the issue of being able  
16 -- the members being able to make amendments while in  
17 the committee process.

18 So that we don't have a situation where  
19 we hear testimony from witnesses, whether it's the  
20 government or aggregates that might lend itself for  
21 suggestions for how we should improve legislation;  
22 how should modify it to get us to the best result.  
23 And, then the boards are being negotiated behind  
24 closed doors with the Speaker, with the staff, and  
25 then the members are presented essentially a very



2 complete on the floor where there is an opportunity  
3 to amend. But for all intents and purposes at that  
4 point the ballgame is over. So I would be very  
5 interested in hearing from the advocates about  
6 whether or not they thought it would be a good idea  
7 to have an amendment process that in the committee,  
8 and give members an opportunity at that point to  
9 improve legislation, and have a real exchange of  
10 ideas back and forth.

11 Particularly where, as you know, the  
12 process in the Council -- I don't know if this is by  
13 rule or by culture where the first member who comes  
14 up with an idea for a bill, he or she is the only one  
15 who is able to draft and submit a bill on that topic.  
16 And could have the effect of really choking off the  
17 democratic process there. But all in all, a terrific  
18 first step. And I look forward to hearing your  
19 testimony, and the back and forth of my colleagues on  
20 this very, very important issue. Thank you very  
21 much.

22 CHAIRPERSON LANDER: Thank you. Council  
23 Member Chin.

24 COUNCIL MEMBER CHIN: Thank you, Chair.  
25 I mean first, I really wanted to thank our Speaker

2 for sponsoring this resolution, and her leadership on  
3 the Rules Reform and, of course, you, Chair Lander,  
4 for your leadership on this. These reforms are  
5 months in the making. Through a long and  
6 collaborative process we've worked with our  
7 colleagues, with government groups and the public to  
8 put forth reforms that will change the way New York  
9 City Council functions as a body. With these  
10 proposed rules we seek to make the City Council more  
11 responsive to needs of New Yorkers, more transparent,  
12 and more inclusive of the diversity that makes New  
13 York City so exceptional.

14 The proposed rule will also empower  
15 individual members to make meaningful change in the  
16 lives of their community and constituency. And allow  
17 for a fair consideration of legislation that will  
18 improve the lives of all New Yorkers. With fair  
19 allocations of discretionary funding, a more open  
20 legislative process, and streamlined mechanisms for  
21 providing services to the public, the City Council  
22 will be in a better position to advocate for New  
23 Yorkers and connect them to the resources they  
24 deserve. I'm so glad that we're here at this point  
25 to really hear this reform, and really get it passed

2 so that we could start working on this. And I really  
3 want to thank everyone for coming today, and we look  
4 forward to hearing your feedback. Thank you.

5 CHAIRPERSON LANDER: Thank you. Council  
6 Member Kallos.

7 COUNCIL MEMBER KALLOS: Thank you Chair  
8 Lander for your leadership on this issue, and for  
9 this great hearing and do it in such a timely manner.  
10 I also want to thank Council Members Williams,  
11 Greenfield, and Cabrera for their leadership, and  
12 moving us forward really in a meaningful way before I  
13 even won my primary. I also wanted to make sure to  
14 acknowledge and thank the Rules Committee, Counsel  
15 David Seitzer, as well as some of you from the policy  
16 shop, Michael Friedman-Schnapp for all their hard  
17 work on these reforms. While after the primary, 30  
18 of us got together on this -- more than 30 of us got  
19 together on the steps of City Hall, and pushed for  
20 these Rules Reforms. And I'm honored to be a part of  
21 that group.

22 I think the most acknowledgement goes to  
23 the Speaker. We have elected a Speaker, and the  
24 Speaker didn't necessarily have to go forward with  
25 these reforms, but she did voluntarily. There was no

2 acrimony there. There was no fight. This was  
3 something that she committed to do, that we committed  
4 to do with such a large majority. And that says  
5 something that we're doing these voluntary reforms,  
6 especially in the face of the years that so many of  
7 us have spent trying to bring these similar reforms  
8 to Albany. If you'll sit with that for a moment  
9 we're looking at something historic where a body is  
10 voluntarily reforming itself. It's initiated by the  
11 members with the support from the Good Government  
12 community.

13 But it's not a fight. It's something  
14 that we're able to do internally. I think that is  
15 just something precious that should be acknowledged  
16 and spoken. The process is being very open for  
17 members. I wanted to just extend my appreciation to  
18 everyone for how open they've been to having  
19 something who had just won a primary being so  
20 committed to this, and trying to be as involved in it  
21 as possible. To a Good Government community that has  
22 been providing feedback all along. And just saying  
23 that so much of what we're looking at involves so  
24 much feedback from Council Members, surveys.

2 In a way that Council Members were more  
3 involved in this legislation in a way that most  
4 legislation doesn't have as much involvement. So  
5 this is really a strong work product from so many  
6 people. And I just want to just also acknowledge  
7 that for -- New York City has been falling behind in  
8 certain respects, which gets me upset because this is  
9 the greatest city in the world. But once again  
10 whether it comes to open data, or what we're doing  
11 here, the entire country is watching what we're  
12 doing. And we're working with Washington, D.C.,  
13 Boston, San Francisco, soon-to-be Chicago.

14 And we've got cities all over the country  
15 mobilizing around the transparency in reforms that  
16 New York City is taking the lead on. There's some  
17 great stuff that we can be doing with technology.  
18 I'm looking forward to the Open Technology Plan. I  
19 hope to have a chance to play a leadership role in  
20 that along with other council members. And making  
21 sure that is what some of the council members  
22 identified as one of their top requests, which is  
23 having better online tools for the outreach that we  
24 can achieve that mandate that we set forward as a  
25 group of 30.

2 There are certain things that can go into  
3 rules, other things that may not belong there. So  
4 I'm hoping we can really make this City Council 2.0.  
5 And then, I'm also glad to have so many of you here  
6 in the audience so that anywhere where there is room  
7 for improvement, we can make those improvements  
8 before we pass it. And I know that I'm also excited  
9 to announce that the Sunlight Foundation will be  
10 working with the City Council to make sure that our  
11 legislation is available through an Open API. Which  
12 means you'll be able to download the legislation, and  
13 do whatever you want with it, which is something huge  
14 that I hope we can also put in the Rule.

15 That being said, I'm pleased to be here  
16 today. Thank all of the fellow members, and everyone  
17 in the public for being here, and I can't wait to  
18 make these -- to vote yes on this Resolution once  
19 we've gotten the feedback. Thank you.

20 CHAIRPERSON LANDER: Thank you Council  
21 Member. We have Council Members Rosenthal,  
22 Rodriguez, and Rose.

23 COUNCIL MEMBER ROSENTHAL: So I would  
24 like to ditto all the accolades that have been --  
25 that have come before me. I don't think I could -- I

2 don't think I have enough of the thesaurus brain to  
3 expand on it. So just I'd like to be on the record  
4 in all of that. I want to mention three things: One  
5 that -- one and two that I really appreciated what  
6 Council Member Garodnick and Council Member Lancman  
7 just said about their concerns.

8 And I think I'm going to be looking when  
9 -- after this hearing comes out, and after the new  
10 tweaks are in, I'm going to be looking very closely  
11 to see how those two comments were addressed. As a  
12 new council member and as somebody who was not  
13 involved in putting together these Rules Reforms so  
14 much, I think that they've both raised points that  
15 are very worthy of being included in the Rules  
16 Reforms. So I'll be very curious to see how they're  
17 addressed, and what comes out of the hearing.

18 Then the second thing I want to say is  
19 that you mentioned this in passing, Council Member  
20 Lander, but I just want to share publicly what my  
21 experience has been with the central staff. Which  
22 has been nothing less than an excellent experience.  
23 So the Council staff that is here that I've worked  
24 with as Chair of the Council's Committee on Contracts  
25 has been -- the staff is exceptional and beyond

2 professional. I find them to be creative forward  
3 thinking people who are not given on a regular basis  
4 enough credit.

5 I think that -- I hope that the Rules  
6 Reform are understood in the way that you just  
7 described as being not at all a reflection of the  
8 staff. And I hope that there's nothing in here that  
9 would impede their ability to continue the excellent  
10 work they do. I see the drafting unit as one that  
11 supplements the current legislative team, and I hope  
12 that it is implemented in that way. The fact that my  
13 attorneys, that I work with on a variety of  
14 committees, also do legislative drafting.

15 I find that to be an enhancement to their  
16 abilities as a Council staff. And I hope that new  
17 attorneys will be given these broad range of  
18 responsibilities because it makes them that much  
19 better. So I really wanted to focus my time on  
20 talking about how excellent the current staff is.  
21 And that when I read these Rules Reform that I see  
22 them to be ones for -- to help the Council members,  
23 to help our constituents. But most importantly, they  
24 are hopefully -- I hope all of these Rules Reform  
25



2 help our central staff do a better job because the  
3 central staff is extraordinary. Thank you.

4 CHAIRPERSON LANDER: Thank you very much.  
5 Council Member Rodriguez.

6 COUNCIL MEMBER RODRIGUEZ: Thank you,  
7 Chair. I think that this is like, as you said  
8 before, this is a new day in our city. This is a day  
9 as in Albany with advocating for the issues related  
10 to a coalition plan to make our city safe when it  
11 comes to accidents, car crashes. But I also had  
12 opportunity to get into the minority senate where  
13 they were also introducing some initiative bill  
14 related to rule and transparency. Another area I  
15 think was also about elections, but in this case  
16 we're trying to -- You know, New York City is showing  
17 that we're in over head when it comes to fairness and  
18 transparency.

19 And this is important also that we  
20 understand that this part of our reality, or our  
21 responsibility, you know, to build a city that really  
22 look at the difference that we have through our  
23 communities. It is not the same thing when a council  
24 member represents a community that only has 3% of the  
25 people making \$20,000 or more compared to other

2 districts that is making 35 to more -- \$30,000 --  
3 that has 30% making \$200,000 or more.

4 I am happy and grateful, and understand  
5 that it is our responsibility to make our community  
6 that are living in the land of poverty. And that has  
7 a large percentage of the residents living in that  
8 land of poverty to reform the middle-class to reform  
9 the upper class. Not even ten years. Probably it  
10 would take decades. So I think that bringing the  
11 reforms where resources will be distributed based on  
12 the needs of the different communities, I believe  
13 that will make New City stronger than before.

14 I also believe that the legislation that  
15 will provide the opportunity for the Council Members  
16 that has the support of 34 of their colleagues the  
17 opportunity to go to a committee, and as a committee  
18 should we go to a vote or not? I think it's a good  
19 reform. I saw one that had a bill that had 34 of my  
20 colleagues that supported my alternative side --  
21 Parking Side Bill, and you would never move for it  
22 just because of how much politics was dictating. How  
23 much bill was moving the resources were distributed  
24 in the District Council. I believe that this is good

2 only for us, that we'll be serving for the next four  
3 more years.

4 But this is a good reform for the new  
5 class of council member that they will have the  
6 opportunity to join a body that is more focused on  
7 fairness and transparency. No doubt that the vision  
8 of the Chair of this committee and the Speaker, that  
9 it's not that she's giving the power, and for her to  
10 realize that she's building a more solid power at the  
11 City Council. And the power distributed among the  
12 members is more powerful than the power that is  
13 controlled by one individual. That's what democracy  
14 is all about. So thank you.

15 CHAIRPERSON LANDER: Thank you, and  
16 finally, Council Member Debbie Rose.

17 COUNCIL MEMBER ROSE: Thank you, Chair,  
18 and I just want to join the chorus of voices and  
19 council members and their laudatory remarks about  
20 this transformative rules change that we are going to  
21 vote on soon. And I wish to thank the Chair of the  
22 Rules Committee, Council Member Brad Lander and  
23 Speaker Melissa Mark-Viverito for their leadership in  
24 working with the committee, the Council, Good  
25

2 Government advocacy groups, the community and the  
3 public in crafting these rules.

4 It was a totally collaborative process.  
5 And when a rule -- and when they are enacted, they  
6 would bring significant change in transparency for  
7 the operations of the New York City Council. These  
8 rules bring enhanced meaning to the words  
9 "empowerment," "transparency," and "equity." This  
10 process has been incredibly open and collaborative.  
11 And the removal of the barriers that previously  
12 stifled this legislative process have I think been  
13 successfully knocked down.

14 In moving forward, I think that this will  
15 allow council members to do their jobs in a much more  
16 efficient way that would ensure that our districts  
17 are equally represented. So I thank you. I thank  
18 the Speaker. It think it's awful gallant of the  
19 speaker to give some of her power away. And I think  
20 that we are going to be better council members and  
21 representatives of our districts for these new Rules  
22 change. Thank you.

23 CHAIRPERSON LANDER: Thank you, Council  
24 Member. Just a few notes before we move to testimony  
25 from the public. First, thanks to everyone from the

2 public for your patience. Where now we obviously --  
3 we go first to public testimony, but since these are  
4 the Rules of the Council we thought it was important  
5 that council members have an opportunity to the  
6 extent that they wanted to weigh in on them to have  
7 that opportunity up front. So we did that. So thank  
8 you for your patience.

9 We're joined by the Community Counselor  
10 Amatullah Booth. Thanks to Jeremy Plotker for  
11 sitting in. I do want you to know we're not voting  
12 today in committee. It was actually suggested at the  
13 prior hearing I think by one of the Good Government  
14 advocates, who is going to testify later, that we not  
15 only have that public hearing develop a proposal, but  
16 really bring that proposal to the floor for some  
17 additional opportunity for feedback and comment.

18 And still have some time to consider  
19 potential additional changes. So we won't vote at  
20 the end of today's hearing, though we hope to move  
21 forward quickly afterwards once we're able to listen  
22 and consider what's said today. And also just to a  
23 note and to clarify in response to a few comments  
24 there are many things that are in the specific bill  
25 that is being proposed, the Rules Reform. We amend

2 our rules by resolution with a majority vote of the  
3 full Council.

4 So there many changes proposed in those  
5 Rules Reforms. There are many things discussed in  
6 our proposal, which aren't specifically rules changes  
7 themselves. But changes in culture or processes,  
8 which there's a commitment to move forward on even if  
9 they're not Rules changes. And I'll note one of them  
10 that Speaker mentioned in the press conference where  
11 these were announced. That the Council asked to go  
12 record expressing support for the establishment of  
13 the Quadrennial Advisory Commission, which was  
14 required by the City Administrative Code in January  
15 of 2015 to look not only at compensation for elected  
16 officials, but also at stipends as well.

17 And there are a number of other changes,  
18 which are proposed in Summary document, which are not  
19 in the Rules Reform Bill. And obviously, there are a  
20 series of other -- the Council Rules are not the only  
21 thing that govern the body. We're obviously governed  
22 by the Charter, by many of the laws of New York City,  
23 and where our rules don't describe a process Robert's  
24 Rules of Order, the newly revised edition governs  
25 that issue for this body.

2 So with that, we have three panels to  
3 testify today. The first two are Good Government  
4 Organizations, and the final panel is of Good  
5 Government Bill, so Open Data and Technology  
6 Organizations. Well, actually, we're going to  
7 consolidate it two panels. Excuse me. So let me  
8 first invite to come up and testify Gene Russianoff  
9 from NYPIRG; Susan Lerner from Common Cause; Alex  
10 Camarda from the Citizens Union; and Jessica Walker  
11 from the Partnership for New York City.

12 [Pause]

13 CHAIRPERSON LANDER: And I just want to  
14 say as you guys are sitting down, how much we  
15 appreciate the partnership of all of your  
16 organizations in working with us on this. Not only  
17 in testifying at the prior hearing, but in really  
18 engaging the Council for quite some time now, but  
19 especially in recent months to help us with some  
20 additional research and really thinking about the  
21 things we can do to make the most productive reform  
22 possible.

23 [Pause]

24 CHAIRPERSON LANDER: Go ahead, Susan.  
25

2 SUSAN LERNER: Thank you very much. I'm  
3 Susan Lerner and I am the Executive Director of  
4 Common Cause New York. And I first wanted to thank  
5 you for the opportunity to speak, but also to echo  
6 the very positive comments from the council members.  
7 We also agree that this is a very historic revision  
8 of the Rules. We think that it goes a significant  
9 distance in following some of the recommendations  
10 that we made, and in particular the transparency  
11 aspects. And dealing with member items, which  
12 members may remember at Common Cause we actually  
13 believe should be abolished.

14 But I think that the approach that this  
15 amendment provides is a very positive one, and one  
16 that as Member Crowley said will impose fairness on  
17 the way in which taxpayer money is spent. It's the  
18 nature of what we do in Good Government Groups that  
19 we focus on things that we would suggest could be  
20 improved. So although my specific comments are going  
21 to be directed to some things that we think could use  
22 some modification, I don't want that in any way to  
23 undercut the fact that our general feeling about this  
24 is that this has been a very good process. And that  
25 these laudatory amendments, and a major part.



2 So I'd like to start with the most  
3 picayune first, and the most picayune first, if I can  
4 find it, is an Amendment to Rule 5.50, which the rule  
5 previously provided that each council member would  
6 receive their own copy of Robert's Rules of Order.  
7 Now, the Rules provide that a copy will be made  
8 available. And as I said, this is an actually tiny  
9 point, but it's a point of nuance. I think the cost  
10 savings is perhaps not significant, but I think it's  
11 counterbalanced by a negative nuance. I think that  
12 all council members can benefit from their own copy  
13 of Robert's Rules of Orders, and their own copy of  
14 the Council Rules. So I start with, as I said, the  
15 most picayune.

16 There are two areas where we have  
17 concerns. One, and I apologize that I was unable to  
18 complete the written version of my testimony. We'll  
19 complete that in the next day and forward it to the  
20 Committee by email. So the first is something that  
21 was not included in the Rules, that we would hope to  
22 see in the Rules. And, that is the creation of a  
23 specific division in the central staff supporting  
24 participatory budgeting. With sufficient members,  
25 with sufficient staff members, and sufficient

2 resources to really make a strong institutional  
3 statement in support, and encouraging participatory  
4 budgeting. And the reason why we support having a  
5 division within central staff is basically to allow  
6 the body to gain institutional knowledge, and not  
7 have it be really knowledge, which is based out in  
8 different districts. While we think that's  
9 excellent, and when think that a participatory budget  
10 is going to be successful, and expanded by the  
11 Council. Then we believe that there should be  
12 institutional knowledge, and institutional support,  
13 and we'd like to see a certain number of central  
14 staff dedicated to that on an ongoing basis.

15 The second area is the area that Council  
16 Member Garodnick mentioned because we are strong  
17 advocates for having some sort of a mechanism to move  
18 the bill forward automatically. So we were happy to  
19 see that the mechanism of that sort was included in  
20 the Rules. We have some concerns about how it's set  
21 up in terms of the size of the super majority. Our  
22 concerns in making the suggestion are twofold: One,  
23 we wanted a mechanism that would move forward  
24 relatively automatically once you reached a certain  
25 threshold.

2 But, also, in all honestly, we wanted to  
3 be sure that when members signed onto bills, and they  
4 were strong supporters of the bills. And that  
5 certainly the members who signed on to make it a  
6 majority or a super majority were cognizant of the  
7 fact that their support for the bill would mean that  
8 it would move forward. Unfortunately, not certainly  
9 with this collection of Council Members, but in other  
10 legislative bodies, we've seen situations where  
11 somebody will sign onto a bill for political reasons  
12 that in actuality behind closed doors does not  
13 support it.

14 And we would like not to encourage that  
15 kind of behavior. So that was one of the things we  
16 were concerned about. Therefore, the provision which  
17 says, When you reach a super majority, it kicks off a  
18 60-day requirement to have a meeting of the committee  
19 that if the bill's supporter's number vary during  
20 that 60 days, then the requirement is pulled, seems  
21 to me to be a bit problematic. But, in general, we  
22 think that this is a very, very strong step forward.  
23 We're looking forward to working with the Speaker and  
24 the open data folks on a technological program, and  
25 we'll be submitting written comments.

2 CHAIRPERSON LANDER: Thank you very much.  
3 We've been joined by Council Members Vallone,  
4 Johnson, and Levine. Welcome.

5 [background discussion]

6 [Pause]

7 GENE RUSSIANOFF: Thank you.

8 CHAIRPERSON LANDER: Your mike is on,  
9 sir.

10 GENE RUSSIANOFF: I prefer it's not on.  
11 Good afternoon, I'm Gene Russianoff with the New York  
12 Public Interest Research Group. We're a student-  
13 directed organization that works on many issues. And  
14 one of our commissions is to make government more  
15 efficient, effective, and transparent. NYPIRG has  
16 been lobbying the Council for 40 years, and I've been  
17 a registered lobbyist since 1984, and I've seen many  
18 crash and burn rules reform. So I'm very excited  
19 that it's gotten this far, and it's a great credit to  
20 the Council. The Council has come a long way over  
21 the years from leadership domination to participatory  
22 budgeting today, and for a body represented --  
23 unrepresentative of the city it serves as an  
24 institution that gives a voice to many communities  
25 today.

2 In my testimony I list the Rules Reforms  
3 that we think are particularly effective, and I won't  
4 go through them now the sake of time. I have to  
5 other comments. One is if there's one change we'd  
6 like to make, it's that there really should be  
7 something in the Rules that requires a periodic  
8 review of the Rules. So that, for example, with the  
9 Campaign Finance Board, every post-election period  
10 they spend months reviewing how they all work, and  
11 making recommendations, and holding hearings.

12 And I think that the Council would  
13 benefit as an institution if the outgoing leadership  
14 allows for review of how effective the rules have  
15 been that won't affect them, but will affect the  
16 future. So I think really what the Campaign Finance  
17 Board and the Lobbying Commission does is a good  
18 thing. And the last comment. I'm with Susan on this  
19 issue of the 34 Super Majority. I think we need some  
20 kind of trigger area, or you risk having people  
21 support bills that they really don't support.

22 When I was a much younger lobbyist, I had  
23 a bill regarding the municipal hospital system. And  
24 it was picked up by a very senior Republican senator,  
25 and I was very thrilled. So I met the senior

2 lobbyist who arranged it for me. And he said,  
3 Sometimes the best way to kill bills is to give them  
4 to friends. So I think we really need to be serious  
5 about sponsoring a bill. The provision that's in the  
6 rules now is very modest. If you call for a hearing  
7 on your bill, it says, The first named prime sponsor  
8 may retract, the request and deferral of the meeting.

9 So, it's not an automatic turn area. It  
10 gives the sponsor of the bill the ability to control  
11 it, and if he -- And, you know, it's a tough position  
12 to be in suddenly when you don't want to have the  
13 hearing. It's not going to make you look good as the  
14 champion of that particular issue. But I think it  
15 sends a mechanism that will allows for -- It's not  
16 automatic. So we support that legislation, and  
17 currently on the bill it has, as Council Member  
18 Garodnick knows, 32 sponsors. So we feel good about  
19 that. [bell]

20 ALEX CAMARDA: Good afternoon, Chair  
21 Lander and Members of the Committee on Rules,  
22 Privileges, and Elections. My name is Alex Camarda.  
23 I'm the Director of Public Policy and Advocacy at  
24 Citizens Union. Our testimony is divided into really  
25 two sections today. The first section being what we

2 like in particular about the Draft Rules, and then

3 some recommendations that we have for improvement.

4 But again I want to echo what Susan mentioned, which

5 is overall we think this is a substantial improvement

6 over the current rules. We applaud the Speaker and

7 Chair Lander for the collaborative process that this

8 hearing is an example of, that they've utilized in

9 looking at the Rules and examining them. And we want

10 to also commend the Speaker for the tone and culture

11 that she's signaled that she's establishing that is

12 more collaborative, and will allow for rank and file

13 numbers to have a more meaningful role in the

14 Council's legislative process. Which ultimately, we

15 think will better serve the constituents the

16 represent.

17 As far as the Draft Rules go, in

18 particular we are very supportive of the changes

19 related to discretionary funding. By our

20 calculations, the Speaker now has authority over

21 about 60% of the funds. This is down from 98%. So

22 that's a significant distribution to the members in

23 giving them authority based on equity rather than

24 control of the Speaker.

25

2 We also think the provision that will  
3 require organizations to better account for how they  
4 spent the money is vital to ensure the integrity of  
5 taxpayer dollars. The autonomous and transparent  
6 bill drafting process is commendable. I think all of  
7 the members have mentioned there's a greater need to  
8 have more staff devoted to drafting bills. That's  
9 something that we also support, and greater  
10 transparency around LS Requests that are made. The  
11 Draft Rules clarify the role of committee chairs and  
12 selecting staff. In the past, the rule that said  
13 that committee chairs could select their staff was  
14 kind of fuzzy.

15 And we think that this brings clarity to  
16 their responsibility. We also support that in the  
17 statement that was made, albeit not in the Rules,  
18 that the Council's support for a Quadrennial  
19 Commission that would also support the review of  
20 stipends and lulus [sp?] In addition to  
21 compensation, and we call on the Mayor to convene  
22 that commission. And then lastly, there are a number  
23 of transparency components throughout the Rules that  
24 we think will be beneficial, particularly the Public  
25



2 Technology Plan. So those are the things that we  
3 support the rules.

4 We have gone through and made it a line-  
5 by-line edit of the Draft Rules, which is attached to  
6 our testimony. But I just want to highlight a couple  
7 of recommendations we want to make in particular to  
8 the language itself. The first is around  
9 transparency of discretionary funding. I can tell  
10 you that the press in contacting us about the Draft  
11 Rules have many questions just about discretionary  
12 funding. There's the expense side, the capital side,  
13 there's pots within each. There's not a good sense  
14 from the press or the public as to what these  
15 different pots of funding are.

16 And so we think just a simple  
17 transparency measure provided three days in advance  
18 of the budget passing would be very helpful for the  
19 public to actually understand what goes into these  
20 pots of funds. Who controls them, and in what  
21 instances the members are getting funding equitably,  
22 and in what instances the organizations are getting  
23 funding and who controls that process.

24 On the Bill Drafting, we think there can  
25 be greater transparency with regard to LS Requests

2 and the database that's created by the Draft Rules.  
3 In addition to knowing the sponsor of the Draft Rules  
4 -- I'm sorry, the drafter of an LS Request, the  
5 sponsor should be able also to know the date they  
6 made their request, whether the drafting has taken  
7 longer than the 60 days already in the Rules. And  
8 it's much like a deli counter just kind of have a  
9 number that they know who's in front of them and  
10 who's behind them. They won't know what the subject  
11 is. They won't know what the numbers are, but  
12 they'll have a sense of where they stand in the line.  
13 We think that's important so that they have a sense  
14 of when their bill is coming up to be -- the LS  
15 Request is going to be completed and back to the  
16 member.

17 On the Super Majority Provision, as  
18 others have stated, we think if a member signs onto a  
19 bill, and any member at any time does, and that gets  
20 to 34, then that should receive a Committee vote. I  
21 think it's just going to be really administratively  
22 difficult to administer, to keep track of at any  
23 point during a 60-day period if a member fell off a  
24 bill. I think it's also going to create appearance  
25 issues of a member being pressured to take their name

2 off the bill. I think it would be much simpler to  
3 just say if they're on at any time, and 34 members do  
4 so, that it gets to a vote of the Committee,  
5 particularly given the sponsors privileges that exist  
6 that Council Member Garodnick pointed out.

7 Also in relation to discretionary  
8 funding, and I think this would just codify the  
9 existing practice. If there's going to be 50% limit  
10 on what the Speaker can control on the expense side  
11 of the funds, we think the same should exist for  
12 capital. With regard to co-sponsoring a bill, the  
13 current Rules say that that can be done in writing.  
14 We understand that in practice, it's also done  
15 through email. We would just ask that writing  
16 include email requests.

17 On the provision related to a committee  
18 chairperson being replaced by a two-thirds vote  
19 uncoupled of the Council, we think it's worth  
20 clarifying what the Council is. That could be our  
21 elected numbers. It could be members at a meeting.  
22 It could be the current Council, meaning somebody  
23 came through in a special election. So I think it's  
24 worth clarifying that in the event that that  
25 circumstance arises.

2 The Rules dictate when the Speaker can  
3 inform the Committee Chairperson that they cannot  
4 hold a hearing in certain circumstances. One of  
5 those reasons is the Committee does not have  
6 appropriate jurisdiction. We think if that reason is  
7 cited that the Speaker should also indicate which  
8 committee actually has the proper jurisdiction. That  
9 way it will clarify for the members which committees  
10 handle which issues. And it will also enable a  
11 sponsor of a bill -- I'm sorry, chairperson of a  
12 committee to go talk to a chairperson of another  
13 committee to take up the issue if their committee  
14 does not have jurisdiction.

15 And then our last proposal was just in  
16 relation to the transparency items that are in the  
17 Rules, we think the intent is to get rid of some  
18 burdensome paper requirements. We're not sure the  
19 language always does that, but we want to ensure that  
20 the committee notices, calendar notices, and  
21 information related to those still exist. We're fine  
22 with them just being online. Thank you and I welcome  
23 any questions you have.

24 CHAIRPERSON LANDER: Thank you, and I  
25 appreciate your taking the sausage making metaphor to

2 a new level of envisioning us as folks at the deli  
3 counters.

4 JESSICA WALKER: Hi, I'm Jessica Walker  
5 with the Partnership for New York City. The  
6 Partnership for New York City represents the business  
7 leadership in the city and the largest private sector  
8 of employers. We commend the Council for its  
9 inclusive approach to Rules Reform, and want to offer  
10 an idea that will provide Council Members with a in-  
11 depth assessment of how each bill might affect job  
12 creation and retention, unemployment, and business  
13 star-ups and growth. Last year, the Partnership  
14 released the NYC Jobs Blueprint, which identifies  
15 that the City must maintain at least a 3% rate of  
16 growth in annual economic output in order to maintain  
17 a consistent rate of job creation, a broader robust  
18 tax base, and funding to deliver the municipal  
19 services that people need and want.

20 We propose policies and programs that  
21 could help achieve this objective. One of our  
22 recommendations is to conduct an analysis of the  
23 economic impact of proposed legislation with input  
24 from industry. The city economy seems strong today,  
25 but there are real vulnerabilities that must be

2 considered when new laws are written or existing laws  
3 and regulations are amended. In a national survey by  
4 the Councilmen Foundation, entrepreneurs rates New  
5 York City as the least friendly place to start a  
6 business, largely due to high costs of living and  
7 doing business, and a difficult regulatory and legal  
8 environment.

9 New York faces increasing competition  
10 from other cities and countries that are seeking to  
11 attract our jobs, businesses, and talent. The city  
12 has already lost over -- sorry. The City lover over  
13 100,000 mid-level jobs in the past decade, and we  
14 predict that this trend will accelerate unless New  
15 York makes a serious effort to address the issues  
16 that are contributing to job relocation.

17 New York City does not currently have a  
18 formal process for analysis of the jobs, and economic  
19 impacts of proposed legislation. The Council's  
20 Finance Division conducts reviews of the fiscal  
21 implications of some proposal, but generally not  
22 their economic impact. By contrast, San Francisco  
23 has an Office of Economic Analysis that identifies  
24 and reports on all legislation introduced at the  
25 Board of Supervisors, the equivalent to the Council,

2 that might have a material economic impact on that  
3 city.

4 The Office analyzes the likely impacts of  
5 legislation business attraction and retention, job  
6 creation, tax and fee revenues to the city and other  
7 matters related to the overall economic health of  
8 that city. The office is part of the Comptroller's  
9 Budget and Analysis Division and is staffed with  
10 three economists. The office submits its analysis to  
11 the Board of Supervisors within 30 days of receiving  
12 the subject legislation from the Clerk of the Board,  
13 unless the Board grants an extension for legislation  
14 of unusual scope or complexity.

15 The office's Analysis is submitted back  
16 to the Board of Supervisors prior to the legislation  
17 being heard in committee. We urge the Council to  
18 include a commitment for economic impact analysis of  
19 relevant legislative proposals, and a plan to develop  
20 the capacity for economic analysis of legislation  
21 that might have consequences for jobs and the  
22 economy. This function could be developed with  
23 support from the Independent Budget Office, the  
24 Comptroller's Office, as well as academic and private  
25 sector experts. And the Partnership would be pleased

2 to be a resource to assist in this effort. Thank you  
3 for your consideration. We remain committed to  
4 working together to encourage job growth in New York.  
5 [bell] Thank you.

6 CHAIRPERSON LANDER: Thank you very much  
7 to all four of you for very thoughtful testimony.  
8 There are a couple of members who have questions, and  
9 then I'll have a couple of as well, Council Member  
10 Williams.

11 COUNCIL MEMBER WILLIAMS: Thank you,  
12 Chair. Thank you all for your testimony and all the  
13 good work that you do. Now, there is one thing I  
14 forgot to mention in my opening statement. I want to  
15 make sure I said, because it's probably the most  
16 important to me. From the beginning I said we have  
17 to make these reforms and these cultural shifts, but  
18 we have to make sure that there's a strong speaking  
19 place to help guide the body.

20 In my opinion, certain things are going  
21 to happen. Things are going to happen with the  
22 Mayor, it's going to happen with the Speaker. And I  
23 want to make sure there was a strong Speaker in this  
24 institution to help guide this body, and I believe  
25 this package of Rules Reforms does that. It helps



2 each individual member perform their job just a  
3 little bit better while keeping a strong Speaker  
4 structure intact. I wanted to make sure I said that.

5 Thank you so much for the testimony.

6 Again, I had a couple of questions. One, what about  
7 the PB, which I think is interesting. I want to go  
8 to as much services as possible. What if there's --  
9 so every member that I think that's here now, all 51  
10 members feel like you can participate. If there's  
11 dedicated unit for participated budgeting. Not every  
12 council member participates. Would that be a problem  
13 for you if there's a unit that not everybody feels  
14 like they are going to participate?

15 SUSAN LERNER: Well, that's an  
16 interesting point, and one that I have thought about.  
17 But I think where there's an institutional investment  
18 of what's becoming the scope, the number of council  
19 members that it -- what we're doing right now is  
20 we're building in expensive inefficiencies in  
21 requiring each and every district staff -- Now, it's  
22 what? Are we approaching 20?

23 COUNCIL MEMBER WILLIAM: It's close to  
24 20.

2 SUSAN LERNER: Yeah, so that's close to  
3 half the Council. Each district has to pick it up,  
4 and re-learn the process. And I think when you have  
5 close to half the Council, and we would anticipate  
6 certainly in the future, that you may exceed half the  
7 Council following a participatory budgeting scheme.  
8 Then they're real economies of scale, and a greater  
9 efficiency, which I think benefits the Council as a  
10 whole. So, yes, I'm mindful of the fact that not  
11 every council member may participate in participatory  
12 budgeting, but I think that the benefits to the  
13 Council in terms of efficiency. And more so this is  
14 at the district level that don't have to reinvent  
15 participatory budgeting is a significant benefit.

16 COUNCIL MEMBER WILLIAMS: Thank you, and  
17 I think the Speaker is actually going to be providing  
18 some -- or the Speaker's staff will be providing some  
19 assistance. I'm very excited about that. I hadn't  
20 thought of a dedicated unit the way you mentioned it,  
21 but it's interesting. With the 34 -- So I didn't --  
22 I don't remember if the Partnership mentioned it. I  
23 don't know if you have an opinion on the 34. It  
24 sounded like, Susan, you --

25 SUSAN LERNER: Yes.

2 COUNCIL MEMBER WILLIAMS: --had issues  
3 with it?

4 SUSAN LERNER: Well, we actually had  
5 suggested the idea that there be some trigger  
6 mechanism to move things forward. And in our  
7 original recommendations there was -- not a super  
8 majority, but one to hit a certain point above the  
9 majority. My concern is with the way in which this  
10 is drafted, which is the 34 -- Once you hit the 34,  
11 somebody's got to monitor, as Alex pointed out. It  
12 says if you hit the 34, then there's a 60-day period  
13 in which the Rule -- the Committee meeting is  
14 supposed to happen. But if somebody pulls back their  
15 sponsorship, then that requirement of holding the  
16 committee meeting is voided. It doesn't happen. And  
17 I think as Alex pointed out, that could create a  
18 situation where individual members are under a  
19 tremendous pressure to drop their sponsorship and  
20 there would be allegations of gamesmanship or undue  
21 pressure. So we feel once you hit a super majority  
22 you've hit a super majority.

23 COUNCIL MEMBER WILLIAMS: And so, Alex,  
24 did you have similar --? I really sure Gene if you  
25 liked it as written?

2 GENE RUSSIANOFF: We support the 34-  
3 Member Super Majority, and I think Council Member  
4 Garodnick's concern that this is an automatic trigger  
5 is not followed by the Rules. Clearly, the sponsor  
6 of the bill has the ability even at the point when  
7 the Committee is considering a Super Majority vote to  
8 say, No, I don't want you to consider that. It's not  
9 the right time. We don't have all the supper we  
10 should have. So I think the bill is a good  
11 compromise, and I think the Council runs the risk of  
12 turning off the public if it has lots of bills that  
13 big majorities that never get to be voted on. I  
14 mean, people can see that as kind of a pandering to  
15 the public. We're for you but we're still not going  
16 to vote on it. Anyhow, we support the Super  
17 Majority.

18 SUSAN LERNER: And we were mindful of  
19 exactly Council Member Gardonick's concerns in terms  
20 of the maturity of the bill within the legislative  
21 process. And that's why we did suggest that sponsor  
22 should still have the ability even with a super  
23 majority or a trigger majority to pull the bill based  
24 on their feeling that it just wasn't ready yet.

2 ALEX CAMADRA: I just wanted to clarify  
3 as Citizens Union goes, we actually don't have a  
4 position in support of triggers, but we just feel  
5 like administratively if this is going to take place,  
6 it shouldn't create a scenario where it's difficult  
7 to monitor, or creates appearance issues.

8 COUNCIL MEMBER WILLIAMS: And the  
9 department should have? [sic] Okay. I also have  
10 concerns more administratively of how it happens and  
11 how it works. I don't know what the right answer is,  
12 but I will say just to the set of four, there's going  
13 to be gamesmanship. So that's going to happen.  
14 We're not going to take that away. It might happen  
15 now before you have a 34. So I'm not sure if that's  
16 the best reason. But I do have some concerns as  
17 well. Just one more thing. I wanted just to make  
18 sure - - I was clear that I'm unhappy about the City  
19 Council has discretionary funds. I really hope it  
20 comes back to state and the federal. I do agree  
21 there needs to be transparency to make sure that we  
22 get it to people are will really use. But I'm hoping  
23 people will begin to support this because it's going  
24 to groups and community organizations that would not  
25 otherwise get this funding in any regular RFP

2 process. So I want sure I put that on the record.  
3 But I also see that you've made some recommendations.  
4 So when you put out --where is the full listing that  
5 goes out? Schedule C that goes out. That is not  
6 efficient. Is it not user-friendly with issues, or  
7 what is missing from here?

8 ALEX CAMADRA: Well, a couple of things.  
9 First it's not really a full listing. Schedule C is  
10 just the expense portion that's itemized for members  
11 that they give to community groups. So, if you look  
12 at the last page of our testimony, and Rachel Fauss  
13 [sp] who's our resident expert on these issues put  
14 this together. But this is -- you can see there's  
15 two major areas of funding that are phrased. There's  
16 discretionary funding, expense funds, and capital,  
17 and there's different pots under each.

18 And the amount varies that goes to these  
19 pots each year, and the Speaker has discretion over  
20 some. In the past, she had discretion over 98%. The  
21 Speaker would be giving up authority over some of  
22 that, and some of it's distributed by formula now, as  
23 proposed to the members. Other initiatives within  
24 pots are allocated via formula. We just think that  
25 this should be made transparent in advance of the

2 vote so that people can understand it as to which  
3 part is controlled by the Speaker. And which part is  
4 controlled by the members who it's going to, and  
5 which pools of funds it's coming from.

6 COUNCIL MEMBER WILLIAMS: Thank you.

7 Thank you, Mr. Chair.

8 CHAIRPERSON LANDER: Thank you Council

9 Member Williams. I like that you're still  
10 sufficiently an advocate that you would lobby the  
11 panel in support of discretionary funding so that's  
12 to your credit. Just two minutes before Mr. Council  
13 Member Garodnick. First I think that the Council  
14 Members spoke to this. There is a plan underway  
15 around participatory budgeting and Council support.  
16 And a preliminary decision at least was made that it  
17 wasn't sort of ripe enough to make a rule around that  
18 we're still in a period of experimentation that  
19 Council resources have already have already gone  
20 centrally after the vote counting operation.

21 This year it was handled by central staff  
22 with a barcoding, and there is going to be an  
23 expansion next year of central staff resources to  
24 participatory budgeting. But that we just weren't  
25 quite ready to write a rule about it since we're

2 still in the experimentation phase. And I just would  
3 note to Alex's point that we are -- these Rules do  
4 expand the transparency requirements to the capital  
5 budget both non-city capital and city capital. So  
6 that doesn't speak to everything that you mentioned,  
7 but there is at least that element of expansion  
8 already in the proposal here. Council Member  
9 Garodnick.

10 COUNCIL MEMBER GARODNICK: Thank you very  
11 much, Mr. Chairman, and I want to thank you for your  
12 testimony. I do want to focus a couple of questions  
13 on the subject of that -- If we want to call it the  
14 trigger or not, the 34-Member Super Majority Issue.  
15 It sounds like the rationale from your perspective is  
16 that it creates more restraints on the part of  
17 council members to sign onto bills that they may or  
18 may not have -- If they don't particularly have  
19 strong for it, they shouldn't be signing onto it, and  
20 they should be getting the bill closer to 34 members.  
21 Is that a fair assessment?

22 SUSAN LERNER: I wouldn't phrase it  
23 exactly that way, but yes in the sense that we -- one  
24 of our goals with the suggestion of a trigger is that  
25



2 there be a greater clarity in terms of the sponsor of  
3 a bill actually wants to see the bill move.

4 COUNCIL MEMBER GARODNICK: That one of  
5 the sponsors, not even the lead sponsor, but many of  
6 the sponsors of the bill is truly taking ownership  
7 and saying this is something I have thought about,  
8 and I actively support?

9 SUSAN LERNER: That's right, and  
10 certainly from the point of an advocate, from the  
11 point of the public, it has -- it is frustrating the  
12 situation that Gene referenced. I'm not suggesting  
13 this has happened here in the Council, but certain  
14 with other bodies where constituents have found that  
15 their representative has basically signed onto a  
16 bill, made representations to them, and behind closed  
17 doors has basically said, let's be sure this doesn't  
18 get to the floor. Well, I think that's a very  
19 problematic situation for constituents, and one,  
20 which shouldn't be encouraged.

21 COUNCIL MEMBER GARODNICK: That's fair.  
22 I agree with that sentiment and, of course, that  
23 could happen with a bill with 15 sponsors or 20  
24 sponsors or 22 sponsors. This is Council Member  
25 Williams' point about gamesmanship. It's a point

2 about politics in general. It is clearly  
3 complicated, and not easily remedied by rules, and by  
4 all rules.

5 SUSAN LERNER: Right.

6 COUNCIL MEMBER GARODNICK: To me, and  
7 tell me if you agree with this, one of the best tools  
8 to help people be restrained is knowing that the bill  
9 might move at any moment. For example, a bill which  
10 has ten sponsors, which could see a sponsor's  
11 privilege exercised or a motion to discharge  
12 exercise, that alone is a pretty strong step for a  
13 member to say, Well, wait a minute. Before I put my  
14 name on this bill, I don't care how close it's  
15 getting to 34, this bill could move--

16 SUSAN LERNER: Right

17 COUNCIL MEMBER GARODNICK: --if the rules  
18 are being exercised. Is that a fair point?

19 SUSAN LERNER: Yes, and you-- Well, let  
20 me be straightforward. I think that this particular  
21 provision was conceived as a response to experience,  
22 practical experience in the immediate past where  
23 there were bills that had majority support, and could  
24 not get a hearing and could not move. So certainly,  
25 a culture change within this Council would alleviate

2 some of the concerns. But as Good Government  
3 advocates, we advocate for codifying solutions, not  
4 just relying on a particular culture. We were very  
5 actively involved in one of the situations in trying  
6 to determine was there actually a majority among the  
7 council members with a bill that had been stymied for  
8 quite some time. So in this situation, it seems to  
9 me that it's appropriate with that recent experience  
10 in mind to suggest a solution.

11 COUNCIL MEMBER GARODNICK: Right, and, of  
12 course, in that historic situation, people would have  
13 been perhaps nervous to use the Rules themselves like  
14 the motion to discharge or a sponsor's privilege in  
15 which case the 34-member trigger would have been most  
16 useful.

17 SUSAN LERNER: [interposing] Correct.

18 COUNCIL MEMBER GARODNICK: In a different  
19 environment, perhaps people would be more emboldened  
20 to use sponsor's privilege or a motion to discharge  
21 in which case the 34-member trigger is less useful or  
22 less important. So I agree with you, by the way. I  
23 also would regard myself as a member of the Good  
24 Government Community. I think that the Rules should  
25 be sort of across the board able to anticipate almost

2 any style of leadership from a Speaker. But there is  
3 a challenge whether it's as drafted here with a  
4 sponsor being able to say, No, no, it's okay. It's  
5 okay. I don't really need it right now. So you hit  
6 34, and then you have a sponsor say, Yeah, it's all  
7 right. No, it's not important.

8 To me, that also has the potential to  
9 turn off the public rather significantly. We're  
10 talking about the fact that so many bills at least  
11 historically had a super majority, and then didn't  
12 move. If you had a situation where a sponsor perhaps  
13 because of pressure from a speaker, perhaps because  
14 of pressure from a mayor, perhaps because of pressure  
15 from colleagues just said I'm not -- I don't need to  
16 do that. That, too, could be a rather negative move  
17 relative to the public. So I'll just -- I will leave  
18 it there, and I think we should continue the  
19 conversation. But I did want to point out, Ms.  
20 Lerner, when you pointed out the Robert's Rules point  
21 --

22 SUSAN LERNER: [interposing] Sure.

23 COUNCIL MEMBER GARODNICK: --you made me  
24 realize that, in fact, there was one other automatic  
25 trigger in the Rules, and that was providing Robert's

2 Rules to council members. And I will tell you that I  
3 have never received Robert's Rules as a member of the  
4 Council. And it makes my point about automatic  
5 triggers. Things that are in the Rules, which  
6 require you to act in a particular moment, I think  
7 are inadvisable because they jam you up, and they put  
8 you frequently in violation of your own rules. And  
9 that's one of the reasons why I'm cautious about it.

10 SUSAN LERNER: Thank you.

11 CHAIRPERSON LANDER: I'll note that we  
12 were joined briefly by Council Members Barron and  
13 Espinal. Council Member Kallos, do you have  
14 questions?

15 COUNCIL MEMBER KALLOS: Thank you Chair  
16 Lander for encouraging the actual debate, which is  
17 great. I wanted to touch on two topics. One, while  
18 Dan is still here I actually love this automatic  
19 trigger. I will note that Dan's bill, which is at, I  
20 think, 32 sponsors already had the hearing about  
21 getting to 34. So, we're talking about hearing. I  
22 would love to see something perhaps stronger. Maybe  
23 I'd love the feedback. Maybe it isn't a hearing.  
24 Maybe it's actually a vote from the Committee because  
25 all the Rule Reform is doing is saying, Well, listen

2 to the public on something but there is no actual  
3 tape of getting people on record.

4 But I will tell you that I do these first  
5 Fridays every month where people from the Community  
6 come, and they have all these ideas. And I generally  
7 say to them the least powerful thing I can do for you  
8 is introduce legislation because one of the things I  
9 hate about politics is somebody comes in and  
10 complains about something, and they just introduce a  
11 bill. They introduce a bill. So Albany has tens of  
12 thousands of bills that sit there, get reintroduced  
13 every year, and do absolutely nothing.

14 And perhaps with this rule (a) people may  
15 not introduce bills that they shouldn't be  
16 introducing because maybe they're unconstitutional.  
17 Maybe they don't actually do anything. They're just  
18 there to make somebody happy. It also means that  
19 people stop sponsoring bills just because it doesn't  
20 really matter. And I think that having that  
21 conversation with the public, that transparency, that  
22 openness will not turn the public off. It will  
23 actually turn them on to a government where they're  
24 not being lied to any more. And where when somebody  
25 does something, it actually has consequences versus

2 just a culture. So forgive my jumping in, but what  
3 are your thoughts on that? Do you think there should  
4 be accountability for introducing something? Do you  
5 think that a sponsor should actually mean something?

6 GENE RUSSIANOFF: Well, I like the Rules  
7 as it's drafted now. It's not to vote on the bill  
8 itself, but I wanted to a hearing and have a dialogue  
9 about it. It's surely frustrating to the public with  
10 those language for long periods of time, it's usually  
11 not articulated or addressed. So I'm not sure I  
12 would support a rule that required an actual vote on  
13 the bill itself. So I think it's drafted in the  
14 appropriate way now.

15 SUSAN LERNER: So our original suggestion  
16 had been much more aggressive. Our original  
17 suggestion had actually set up a time table to move a  
18 bill forward through committee, and if it passed  
19 through committee, then requiring it to move to the  
20 floor on it hit a certain point. And at each point  
21 the ability of the bill sponsor to say, I don't think  
22 it's mature yet. And for whatever reason, and slow  
23 down the process because of that concern. Because  
24 it's very frustrating to the public. And we saw that  
25

2 unfortunately in the last several years in several  
3 measures.

4 It would have significant public support,  
5 had significant member sponsorship, and yet -- and  
6 sometimes had hearings, but could not move to the  
7 floor even though it was clear if we move to the  
8 floor it will pass. It's not just an issue in this  
9 body. It's what happened to congestion pricing in  
10 Albany. So we see this in a lot of different ways,  
11 and certainly we had taken a more aggressive posture  
12 initially. I think this is a good workable  
13 compromise given that there are certainly council  
14 members who have really substantial concerns about  
15 triggers. So we're not unhappy with the contours of  
16 this milder version. And I think if it were adopted,  
17 and actually went into practice once or twice, it  
18 would help to calm some of the concerns of people who  
19 are not comfortable with triggers.

20 ALEX CAMARDA: I would just note that the  
21 sponsor's privilege and the existing rules allows for  
22 either a vote for a hearing or a vote on the bill  
23 itself. So I think that does exist. I mean I think  
24 the balance in terms of introduction of bills inside  
25 the State Legislature versus the Council, I think the



2 Council is actually much more reasonable in that  
3 respect. I don't think that there are a lot of bills  
4 that are just put in that are not meaningful. I  
5 think where the improvements need to be are with the  
6 legislative drafting process, which I think is  
7 happening to some degree in the existing Rules. And  
8 we would like to see more transparency around it, but  
9 I think that area actually is the area that should be  
10 focused on rather than the process, which I think is  
11 far better than the state.

12 COUNCIL MEMBER KALLOS: Well, I just --  
13 on a note of I guess triggers, and I think somebody  
14 mentioned using the Rules. The New York State  
15 Constitution allows members of a legislative body in  
16 Albany to take things directly to the floor with a  
17 vote by getting sign-ons from their colleagues. And  
18 I don't think that's ever happened. So I would just  
19 say, Jerry, or whoever, [chuckles] the experts aware  
20 of the time that somebody has actually used that  
21 provision of the Constitution that somebody went to a  
22 lot of work to put there? So it's what happens when  
23 people spend too much time reading the Constitution.

24 The other item is we're proposing a  
25 Public Technology Plan, but both my group and

2 Citizens Union and you guys both lined it up, but  
3 were specific about requesting specifics. So I was  
4 just curious what you'd like to see and where you  
5 distinguish what should be in the Rules Reform versus  
6 what is sufficient from the Public Technology Plan  
7 versus specifics?

8 ALEX CAMADRA: I mean I think as far as  
9 the Public Technology Plan goes, I assume there will  
10 be a different hearing and on a different day, and we  
11 could weigh in more substantially on that. Our  
12 concern with some of the language that was in the  
13 existing Rules is the intent seems to take out some  
14 of the requirements that provide things in writing or  
15 in person that are really outdate, which we're fine  
16 with. But we're not sure the language mirrored that  
17 intent in every instance. So that was our concern  
18 with what was written there apparently. And as far  
19 as the Public Technology Plan goes, I think putting  
20 more of the Council's information in at the open data  
21 portals is really important.

22 So that was our concern with what was  
23 written there apparently. I mean as far as the  
24 Public Technology Plan goes, I think putting more of  
25 the Council's information in at the open data portal

2 is really important in showing that there's documents  
3 online particularly in reference to bills that are  
4 simply in PDFs as they currently are, but in usable  
5 format that third parties can use. So those are some  
6 of our priorities.

7 GENE RUSSIANOFF: The City's portal now  
8 you better have things there that you'd know would  
9 be there. It's moved to a process where things are  
10 happening without you having to lobby and pressure  
11 people to put things in it. So I think it's a good  
12 sign of the direction the city is headed into.

13 SUSAN LERNER: The one thing I would say  
14 is that I think the requirement of the machinery, the  
15 ability needs to be clarified that it's not only  
16 machine-readable, but manipulatable data as well.

17 COUNCIL MEMBER KALLOS: Thank you and  
18 just the last piece. Would your organizations be  
19 friendly if we switched from requiring 20 copies of  
20 everything that you're testifying about to just  
21 requesting that you submit it electronically either  
22 as an open document format or Word document that --  
23 something Google can search either in plain text or a  
24 markup?

2 SUSAN LERNER: Well, I think it's  
3 interesting testifying and watching the council  
4 members have an opportunity to actually scan through  
5 your written testimony, especially for somebody like  
6 me who tends to speak extemporaneously. And it's  
7 actually a good thing that the members listening to  
8 the testimony can see what is often my more detailed  
9 written testimony. Sometimes it has charts,  
10 sometimes it has graphs, and they're able to look at  
11 that while I'm speaking and then to ask questions  
12 that are more detailed. So I think that there is  
13 utility to actually bringing a certain number of more  
14 frequently now with the Rules hearings 20 seems to be  
15 the right number. Usually five is enough.

16 GENE RUSSIANOFF: It's a little invasive,  
17 but I'd be interested in knowing what other  
18 legislative bodies are doing at this point in time.  
19 Are members given devices that they can easily call  
20 up these documents, and what's worked in other  
21 places?

22 CHAIRPERSON LANDER: And this is -- I'll  
23 just add that this is something that we are looking  
24 at actively as well in a number of ways, and after  
25 this panel we'll have a short panel on additional

2 content technology and open data questions. The  
3 Rules contain -- the Rules Reform Proposal contains a  
4 number of places where we substitute an electronic  
5 provision for a paper provision. And we've begun to  
6 think about the question about whether bill laying  
7 itself could be done electronically. There are some  
8 questions, a new state law that depending on how you  
9 read it may or not provide you that ability. So  
10 we'll be continuing to take a look at this. Let me  
11 say thank you very much for this thorough feedback,  
12 which we will be working with, and again for all your  
13 partnership throughout the process. And I'll call up  
14 our final panel, David Moore from the Participatory  
15 Politics Foundation; and Noel Hidalgo [sp?] from  
16 BetaNYC. Is Noel still here?

17 DAVID MOORE: He isn't here.

18 CHAIRPERSON LANDER: Oh, you have Noel's  
19 Okay, very good.

20 [Pause]

21 CHAIRPERSON LANDER: I saw it, yes, and  
22 John Caney [sp?], who was here, submitted testimony  
23 for the record.

24 MALE SPEAKER: Paper.

25 CHAIRPERSON LANDER: In paper form.

2 [background discussion]

3 DAVID MOORE: Thank you very much for the  
4 opportunity to address you all. My name is David  
5 Moore. I'm the Executive Director of the  
6 Participatory Politics Foundation, and we're a 501c3  
7 non-profit organization that's based here in New York  
8 City. We've been active in open government and civic  
9 technology since 2006. I'm here to represent  
10 BetaNYC, which is the City's civic technology  
11 community in open government circles, and I'm also  
12 going to be submitting the testimony from Noel  
13 Hidalgo of BetaNYC who is unable to join us due to a  
14 family situation. So he's submitted his papers, and  
15 I'd be happy to -- I'll read briefly from his  
16 excerpts.

17 So I'm going to speak about tech through  
18 civic participation, and about open data initiatives  
19 in the city with a focus on specifically legislation,  
20 and the lawmaking process. So why is this important?  
21 If you grab someone on the MTA today, and you asked  
22 them, What is this city doing about new sources of  
23 MTA funding? Or if you went to a driver on the  
24 street and said, What's going on with congestion  
25 pricing in this City Council, this new City Council?

2 Unfortunately, they probably really know.  
3 There's not a whole lot of public knowledge about the  
4 business of City Council. There's not a widespread  
5 conversation about all the issues you're touching on  
6 in your extensive work. The City Council is the  
7 largest and most influential in the country. There's  
8 no deeper engagement in every City Council District  
9 with the issues that that district cares about, and  
10 the ability to surface them, and have discussion  
11 about them. So free and open web tools can do this.  
12 They can deliver on this promise of a more  
13 participatory and widely accessible democracy.

14 But to do that, we need official  
15 government data. And right now, the official data  
16 for legislation in the New York City Council is  
17 published on a website called Legistar. That's run  
18 by a company called Granicus, but it's not fully  
19 open. This rules reform language is a good step  
20 forward on making data about legislation more open in  
21 New York City. The Speaker and Chairman Brad Lander  
22 and others deserve good credit for advancing this  
23 legislation, and helping to increase our access to  
24 the data about legislative ordinances, resolutions,  
25 and communities in the New York City Council.

2 If it's implemented, and so depending on  
3 its implementation, New York City could briefly be at  
4 the forefront of open data in the nation that's  
5 obtained through this commercial service website.  
6 But, it fall far short of the known benefits, and the  
7 potential of what would be called an Open API. And  
8 again, I'm not going to venture into military  
9 territory here, but an API stands for Application  
10 Programming Interface. And it's a way for outside  
11 developers to get data in much more targeted ways,  
12 and to spread it more widely.

13 So instead of needing to get data in  
14 bulk, and then figure out what's changed and store  
15 it, and see if it's current or not. Instead, if the  
16 City Council asked for and pushed for an Open API for  
17 Legistar, there would be known benefits. Some of  
18 those known benefits could include new alert  
19 services. New applications, both non-profit and  
20 commercial, and public input platforms that allow  
21 people to submit more testimony on the initiatives  
22 that the Council is considering.

23 The Council itself says that it's passing  
24 legislation on issues like smoking in public places,  
25 [bell] campaign finance, antiapartheid, solid waste



2 recycling, restrictions on assault weapons. All of  
3 these deserve a larger public conversation, and it's  
4 only going to be possible if there's great open data  
5 access. So other cities are making great strides in  
6 what's called the Open API. Citizen Watchdogs such  
7 as those are the transparency working group here in  
8 New York City would be able to use those track their  
9 issues, and to get a better sense of what bills are  
10 coming in front of committee, or in this case  
11 resolutions.

12 One of the key things that Citizen  
13 Watchdog need is the ability to know what is going to  
14 be coming in front of this Committee, what's on the  
15 agenda, and then what was submitted in the minutes by  
16 oral testimony. So that's really important for  
17 publicly accountable government. The New York City  
18 Council has an historic opportunity to lead the way  
19 in open data by making this legislation available via  
20 API. Currently, no other U.S. municipal government  
21 publishes its own API as legislation, but New York  
22 City has the opportunity to do so.

23 I'd like to briefly witch to Noel  
24 Hidalgo's three points that he asked me to deliver on  
25 behalf of him and BetaNYC. The first is that he

2 encourages the Council to host Civic Technology town  
3 halls, and listening sessions in all five boroughs,  
4 and he pushes to ensure that the diversity of New  
5 Yorkers are represented. And asks citizens how can  
6 we deploy tools to make a difference in people's  
7 lives, increase opportunities of engagement of all  
8 New Yorkers?

9 The second is that he pushes us to  
10 consider open technology first. I really agree with  
11 his statements here when he says and Noel writes,  
12 When the Council continues adopting new technologies  
13 the Council first consider opening adaptable tools  
14 across the planet, which is true, these open source  
15 tools have proven themselves to be secure, flexible,  
16 and build public trust. And third, he reiterates his  
17 initial ask for a Council chief information or chief  
18 technology officer.

19 The Council needs an internal technology  
20 advocate who can best represent opportunities to  
21 council members in the City's technology community.  
22 I'll strongly co-sign this sentiment. And who can  
23 ensure a cost-effective implementation of the  
24 Council's Public Technology Plan. I'll wrap up my  
25 remarks here. I'm happy to your questions. I'm

2 easily reachable and based here in New York, and I'll  
3 end on the note that this is a great step forward.  
4 But it's only a step forward and we're falling short  
5 of the potential of true open data.

6 CHAIRPERSON LANDER: Thank you very much.  
7 Council Member Kallos.

8 COUNCIL MEMBER KALLOS: We have limited  
9 resources, and we have to as a Council decide where  
10 we're spending our money. So if we're making  
11 legislation available to people, which we already are  
12 doing through Legistar, where is the importance? Is  
13 it on this open API you're talking about, or adding  
14 features to Legistar?

15 DAVID MOORE: There's several different  
16 types of asks in there. The state-of-the-art  
17 solution for access to data about what the City  
18 Council does is both bulk data access and also an  
19 Open API. The former is in absolutely necessary  
20 condition. And the second expands the opportunities  
21 for developers to use this data, and it increases its  
22 adoption across different platforms and embeds and in  
23 various places. So together it's the state-of-the  
24 art. That's what other government jurisdictions are  
25

2 going to be moving to provide both of these  
3 solutions.

4 An API is an adjunct to the bulk data,  
5 but it's a really important and useful adjunct, and  
6 it's one that the developers want to use. If you're  
7 making an app about is it an ultimate side parking  
8 day for making an app about how I track sidewalk  
9 cafes in my neighborhood or liquor licenses, you want  
10 the API. Because you want to focus what information  
11 you want to be able to draw and give to your  
12 community or to your consumers. And that's not  
13 currently going to be possible for the legislation of  
14 language and rules are from but we're making stops.

15 COUNCIL MEMBER KALLOS: The previous  
16 testimony we received from government groups are  
17 explained wanting there to be more of an opportunity  
18 for people to provide feedback, citizens to  
19 specifically earmark the fact that New York State  
20 Senator allows feedback on legislation. Is that  
21 something important? Does an Open API allow that to  
22 happen?

23 DAVID MOORE: Yes, an Open API would make  
24 that tremendously more current and more timely and  
25 easier to use, and it would increase opportunities

2 for people to submit testimony because it would allow  
3 you to get the legislation you're interested in in  
4 more targeted ways. The specific language that I  
5 like to use is that it reduces the barriers to entry.  
6 Instead of having to download a library of  
7 information and pull out what you want, you'd be able  
8 to display and spread the information that you're  
9 looking for if New York City was to implement an Open  
10 API for its municipal legislation.

11 There are many, many benefits for  
12 developers, and also for end-users to having an API  
13 on this. There's no technical reason why it can't  
14 happen. It's not significantly costly I would argue,  
15 and the New York City technology community will help  
16 to develop and support it. And there's a significant  
17 public demand for it as well.

18 COUNCIL MEMBER KALLOS: At the beginning  
19 of the hearing, I mentioned that Sunlight Foundation  
20 was interested in providing an API. What's the  
21 difference between the City Council doing it versus  
22 having Sunlight Foundation do it?

23 DAVID MOORE: The Sunlight Foundation is  
24 with whom we collaborated for many years. The best  
25 way to describe it is it's a work-around, and they

2 would say the same thing. It's not a direct primary  
3 source of data. The City Council and other  
4 government jurisdictions should be the official and  
5 primary data publisher about what's going on in their  
6 legislative actions, and what's happening with  
7 different issues.

8 The Sunlight process will rely on a  
9 technical process called scraping, which requires  
10 going through the website everyday, and seeing what's  
11 new, storing it, sorting it, categorizing it, and  
12 then putting it back out to the public. It requires  
13 extra steps. It's not necessarily as timely as it  
14 could be, and the benefits of New York City in having  
15 and Open API for legislation is that it will both  
16 build demand and build a user community around it.

17 Which then can be applied to other areas  
18 of New York City data and information. I've been  
19 talking about legislation, and while that really  
20 affects the issues of our lives, that's only a small  
21 sector of what the businesses that you all do is.  
22 There's budgets. There's performance metrics.  
23 There's appointments. There's all sorts of public  
24 events that you slide through everyday. And we're  
25 trying to tell people about the hard work that you're

2 doing, and it's really hard unless we have an open  
3 API that allows developers to spread this far and  
4 wide. And it's not just good government and civic  
5 nerds who want to do this.

6 But it's also experienced commercial big  
7 web developers who would like to make more use of  
8 this. And think of the biggest New York tech  
9 companies in Silicon Valley and elsewhere. They  
10 would make strong use of an Open API if it was  
11 available. But right now it's too much of a hassle.  
12 So having an open API from the City Council will be  
13 historic.

14 COUNCIL MEMBER KALLOS: Thank you.

15 CHAIRPERSON LANDER: Thanks for being  
16 here for this testimony, and I just want to drill a  
17 little more down on the sort of feasibility and cost  
18 questions because I think in principle there's  
19 nothing -- there's no objections from the Council to  
20 providing this. Obviously, the Rules speak to  
21 providing it into downloadable machinery to a format  
22 and making it even more useful. Something that we  
23 would like to do. I think it's a simple practicality  
24 question.

2 So I guess my first question is, Are you  
3 aware of other than through Legistar and Granicus a  
4 commercially available product that does this that we  
5 could -- We're not good at developing our own  
6 software here in the New York City Council. So we  
7 need an off-the-shelf product. And I guess that's  
8 the first question: Is there any existing off-the-  
9 shelf product that would let us achieve the goal that  
10 you're proposing.

11 DAVID MOORE: There are probably  
12 comparable software solutions. For an off-the-shelf  
13 solution, I would have to do more research, but no  
14 one does not jump to my mind. The Granicus Company  
15 is our good faith participants in the open data  
16 community. In fact, they're going to be sponsoring  
17 an event with -- Well, they're participating in an  
18 event with the Sunlight Foundation later this month.  
19 So there's a good working relationship, but there's a  
20 strong and widespread demand for an API into their  
21 data that's not just the civic technology community  
22 but other sorts of communities, too. And we're  
23 looking to get to that point.

24 CHAIRPERSON LANDER: I think that's just  
25 the challenge we face. I think we'd be very happy to



2 get there. It's a little scary to write a rule that  
3 says, We are going to get there in the absence of  
4 knowing that the product is available, and we won't  
5 be able to achieve it because we can't get the  
6 product in place. So I think you're pushing us on it  
7 is very helpful, and I think that we can continue to  
8 work together to find a way to do it that is feasible  
9 and affordable and we know the timeframe. There is  
10 certainly openness to continuing dialogue. So thank  
11 you very much. Thanks both to you and to Council  
12 Member Kallos for pushing on these issues. We don't  
13 have anyone else signed up.

14 [background discussion]

15 CHAIRPERSON LANDER: -- come intending to  
16 testify speak now. Okay, so I'm going to close the  
17 public hearing [gavel] on this item, and thank  
18 everyone who came. We will be taking the suggestions  
19 that were made, and considering them thinking about  
20 what additional changes we might propose. And we'll  
21 notice another meeting of the Rules Committee when  
22 we're ready to. Let's all so thanks very much, and  
23 this meeting is adjourned.

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COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS 90

C E R T I F I C A T E

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 May 10, 2014