

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 14, 2014
Start: 11:08 a.m.
Recess: 11:30 a.m.

HELD AT: Committee Room
City Hall

B E F O R E:
BRAD LANDER
Chairperson

COUNCIL MEMBERS:

Speaker Melissa Mark-Viverito
Daniel R. Garodnick
Margaret Chin
Deborah Rose
Inez E. Dickens
Mark Levine
Jumaane D. Williams
Rafael Espinal
Ydanis Rodriguez
Vincent Ignizio

2 CHAIRPERSON LANDER: [gavel] Good
3 morning, my name is... good morning. Thank you,
4 Council Member Rose. [laughter] My name is Brad
5 Lander and I am the chair of the New York City
6 Council Committee on Rules, Privileges and
7 Elections and I'm very pleased this morning to call
8 us to order. This is a proud day for the New York
9 City Council where we take a real significant step
10 forward for good government and for a more
11 transparent, inclusive and fair City Council and I
12 want to thank everyone for being a part of the
13 process. Let me first introduce the members who
14 are present. We're joined this morning by the
15 Speaker, by Council Members Garodnick, Chin, Rose,
16 Dickens, Levine, Williams and Espinal. Thanks and
17 good morning to all of you. I'd like to
18 acknowledge the Committee's attorney, Amatullah
19 Booth.

20 As members know, we're here this
21 morning to consider proposed Resolution 184-A,
22 which proposes to change various sections of the
23 Council Rules. This is our third hearing on rules
24 reform, so I think people are familiar, generally,
25 with where we are so far, but pursuant to Section

2 46 of the Charter, the Council adopts rules that
3 govern our practices, our meetings, our committee
4 meetings, our stated meetings, our hearings, how
5 bills are developed and considered and a wide range
6 of procedures and practices. We are required by
7 the Charter to adopt rules at the beginning of
8 every session, which we did on January the 8th, but
9 at that meeting, Speaker Mark-Viverito charged this
10 committee with the responsibility of undertaking a
11 comprehensive reform of those rules to make the
12 body more transparent, more effective, more
13 inclusive and more fair. This committee then held
14 an initial hearing on February 24th, 2014; took
15 extensive testimony from members of the public, the
16 government groups, a wide range of organizations;
17 set up a website to invite additional testimony.
18 Staff then took all of that; did research looking
19 at additional rules from other legislatures around
20 the country, and I want to especially thank and
21 call out David Seitzer, counsel to the Government
22 Ops Committee, Michael Freedman-Schnapp and Ivan
23 Luevanos, as well as Amatullah Booth for their work
24 in developing it. We then brought forward a
25 proposal for rules reform, which the Speaker

2 announced and we heard at our hearing on May 7th.
3 That was Intro 184 and the highlights of that, as
4 folks know, are a rules reform that takes the
5 politics out of members by distributing
6 discretionary funding equally with a boost for
7 lower income districts and requiring additional
8 disclosure; ensuring fairer consideration of
9 legislation; empowering committee chairs for
10 stronger oversight; providing more transparency and
11 open government in a whole range of ways;
12 establishing a grievance procedure and taking
13 another... a number of other steps like requiring a
14 plain language summary of bills so it's easier for
15 people to understand what the Council's doing. We
16 had an additional hearing on May the 7th next door,
17 where we heard additional testimony and had very
18 good discussion about possible additional changes.
19 Following that hearing, a few relatively modest
20 changes have been made to strengthen the package
21 based on that feedback and I'm not going to go
22 through them all because the vast majority of them
23 are technical changes, but I will point people to
24 pages three and four of the Committee Report, which
25 go in detail through the additional changes that

2 were made. Two changes I'll just mention... one
3 change and one change we didn't make that I'll
4 mention that were discussed at that hearing. If
5 you don't have the Committee Report, we'll make
6 sure you get copies of the Committee Report and you
7 have there the full bill, but pages three and four
8 speak specifically to the changes from the original
9 184 to 184-A as a result of the hearing that we
10 had. Two changes that were discussed in a little
11 more detail at that hearing: one was the question
12 of whether to allow amendments to be proposed for
13 consideration in a committee hearing on a bill and
14 that change is being proposed. Members, if they
15 put a bill or an amendment in writing 24 hours in
16 advance of the committee meeting, we'll have the
17 opportunity to move it. We also had extensive
18 discussion about the what we call Super Majority
19 Bill Sponsorship, 34 co-sponsors requiring... if a
20 bill has 34 co-sponsors, requiring that the
21 committee to which its referred have a vote on
22 whether to have a hearing on that bill or not. And
23 that provision, which people discussed both the
24 pros and cons of at the hearing, does stand in the
25 proposed rules reform 184-A. Otherwise, it stands

2 as before and the overwhelming majority of
3 significant changes that we discussed and developed
4 are in proposed Resolution 184-A, as proposed.

5 As I've said a few times, I really
6 think you know, in addition to thanking all the
7 staff that worked on this and thanking the Speaker
8 for her leadership in making this possible, in my
9 opinion, this is a day where we are really very
10 significantly advancing good government. It's not
11 simple for a body to take a thorough look at its
12 rules. It's not simple for a legislative leader to
13 say let's do things that enable all the members to
14 contribute. It's not easy for a body that has
15 existed for you know, over a century to say let's
16 open ourselves up to a little more scrutiny from
17 the media and the government groups and more fully
18 engage the people in the city to be our partners in
19 government, but I believe today that we're doing
20 all those things and I'm thankful to everyone who's
21 contributed to that process.

22 Without further ado, let me... I
23 apologize. I thank you. The Introduction was on
24 April 29th of Intro 184. The date I said, May 7th,
25 was the hearing that we had on the bill. We've

2 also been joined by Council Member Rodriguez, a
3 member of the Rules Committee. And I think in the
4 interest of time, what we're going to do is move to
5 a roll call vote and just invite any member that
6 wishes to make comments to explain their votes to
7 do it as part of our roll call. So I now will ask
8 counsel to call the vote on proposed Resolution
9 184-A regarding changes to the City Council rules.

10 COMMITTEE CLERK: Kevin Pin [phonetic],
11 Committee Clerk. Roll call on the Committee on
12 Rules, Privileges and Elections. Resolution 184-A.
13 Council Member Lander.

14 CHAIRPERSON LANDER: I proudly vote
15 aye.

16 COMMITTEE CLERK: Dickens.

17 COUNCIL MEMBER DICKENS:
18 Congratulations to the Speaker and to Chair Lander
19 on seeing to it that this body; that this committee
20 passed rule changes, many of which was badly
21 needed, will make us a better house of the people,
22 because that's what the City Council is, and I vote
23 aye.

24 COMMITTEE CLERK: Garodnick.

2 COUNCIL MEMBER GARODNICK: This is my
3 opportunity, Mr. Chairman. Thank you. Well, I'm
4 pleased to vote aye on the package and I want to
5 thank you and the Speaker for what is a really
6 comprehensive and thoughtful package of reforms and
7 I think that it will help to democratize the
8 Council and also add some best practices for all of
9 us and I think that that is a tremendous
10 improvement. The only one I wanted to flag is the
11 one which I have flagged before, and that is 7.110,
12 the Super Majority Bill Sponsorship trigger. As
13 member of this committee know, I disagree with this
14 rule change because I generally think that triggers
15 in the rules an invitation for us to run afoul of
16 our own rules. One example that was cited, even at
17 the hearing, was the absence of Robert's Rules of
18 Order provided to individual members, something
19 that was required by the Rules, but generally was
20 not offered to members; not that it was mission
21 critical, but it was a rule that was not being
22 followed, so my general feeling is we should stay
23 away from those. I also think we should maintain
24 some flexibility in the legislative process so that
25 if a bill reaches 34 sponsors, it by all means,

2 probably even at a lower threshold, should be
3 entitled to a hearing, but let us use the existing
4 rules to be able to make that happen, such as
5 sponsors privilege, which allows a sponsor to be
6 able to insist upon a hearing and a vote of a bill
7 in which they are the prime sponsor. Lastly, the
8 prime rationale it seems to me for this rule change
9 was a concern that council members were perhaps a
10 little too liberal in adding their names as co-
11 sponsors to bills. I think that that is something
12 we all should be focused on. It's something that
13 we should be more restrained about, but I think we
14 can do that culturally within the Council and
15 certainly by having a clear understanding that
16 these rules are to be followed and that they are to
17 be used; that at any moment a bill could move and
18 therefore, you should be restrained in adding your
19 name. I think that the existing rules do that.
20 Now, with that said, I think this is a small issue
21 relative to this very, very big insignificant
22 package. It does not in any way impact my support
23 of this package of reforms, which I think are very,
24 very good, but I did want to just note that and we
25 will see how it goes and certainly if it creates

2 any challenges for us, I hope that this committee
3 will be open to revisiting it and with that, I vote
4 aye. Thank you.

5 COMMITTEE CLERK: Rodriguez.

6 COUNCIL MEMBER RODRIGUEZ: May I
7 explain my vote? I would like to say that no doubt
8 that today, as I say in the last Stated meeting,
9 but today since we are taking this vote, we have to
10 include our Speaker as our... in a new chapter in
11 the New York City Council, where for me, this
12 reform that she has introduced and she's supporting
13 make her as a more progressive Speaker in the City
14 Council of New York. No one give power to the body
15 when he or she can have all the power for
16 themselves, so for her to have the understanding
17 that by sharing this power the Council is more
18 powerful than ever, is so great to see that we are
19 part of this chapter that we're writing today.
20 When it comes to the 34 members to be able to take
21 a bill to their vote, I think it's the right thing
22 to do, even though in the previous rule that we
23 have, a council member has the right to use a
24 privilege and go around, get the seven signatures
25 in the previous occasion, when we had those

2 debates, most of the council members felt and
3 talked and argued that when we used our power, it
4 was not good for the image of the Council. so
5 here, we don't have to go to any particular person,
6 but just go around, get the 34. There's no
7 politics involved. It's all about the merit of the
8 bill. So I think that this is an important part of
9 this reform and definitely I will vote aye.

10 COMMITTEE CLERK: Chin.

11 COUNCIL MEMBER CHIN: Thank you and
12 first I wanted to thank the Speaker for her
13 leadership in pushing forth on these rule reforms
14 and of course, to our Chair Lander for really
15 making... helping to make this happen. This took
16 us months and months of working on it in such a
17 collaborative effort to make it happen and I think
18 this is really a new day for all of us in the City
19 of New York and this package of rule reform also
20 will be able to empower each and every single
21 council member to better serve their constituents
22 and I'm looking forward to working with everyone on
23 implementing these reforms and I vote aye. Thank
24 you.

25 COMMITTEE CLERK: Rose.

2 COUNCIL MEMBER ROSE: Permission to
3 explain my vote. I want to start by congratulating
4 Chair Lander and Speaker Mark-Viverito for their
5 leadership and often patience for the process and
6 the time and effort that it took to go through
7 crafting a group of rules that will bring
8 significant change and enhance transparency to the
9 operations of this body. It was an incredibly open
10 and collaborative process and I think that all of
11 our districts and the process that we evoke in the
12 City Council will be better for this process.
13 Thank you.

14 COMMITTEE CLERK: Williams.

15 COUNCIL MEMBER WILLIAMS: May I please
16 explain my vote?

17 COUNCIL MEMBER ROSE: And I vote aye.

18 COUNCIL MEMBER WILLIAMS: Oh. First,
19 again, congratulations to the Chair and of course,
20 to the Speaker, who not only welcomed this
21 discussion, but also encouraged it. I think it's a
22 great package of rules reforms and enforcing
23 cultural changes, which I think are great. I, too,
24 did have some specific things that are of concern.
25 One of them was the 34 trigger. I'm not sure if I

2 was against it per se, but I did have some concerns
3 and so I'd like to just make sure we pay attention
4 to how it affects the body administratively and our
5 ability to do the work as we move forward, but the
6 fact that it was only that and some other minor
7 things I think is a testament to the discussion
8 that was open and everybody got to submit what they
9 thought about it and I think it's a testament to
10 how good the package actually is, that there was a
11 minimal amount of discussion over it and I think
12 that deserves a huge congratulations to the people
13 who pushed this conversation forward, and I proudly
14 vote aye.

15 COMMITTEE CLERK: Espinal.

16 COUNCIL MEMBER ESPINAL: I also would
17 like to congratulate the Speaker and congratulate
18 the Chair on including the City Council in this
19 process. These are common sense reforms; reforms
20 that I think that this body should've seen many
21 years ago and I look forward to seeing them
22 implemented as soon as possible and I think it's a
23 testament to show that the Speaker is working to
24 further unify our body and I look forward to seeing
25 these things implemented, and I vote aye.

2 COMMITTEE CLERK: Levine.

3 COUNCIL MEMBER LEVINE: Thank you.

4 Permission to explain my vote? Okay, I also want
5 to congratulate the Speaker and the Chair for this
6 extraordinary victory, the fruit of much labor and
7 I want to stick up for what has probably been the
8 most criticized component of this package, which is
9 member items. The fact is, this is a town where
10 large, well-funded non-profits have the means and
11 the vehicle to secure funding from the City,
12 whether it's through political connections, use of
13 lobbyists. They are going to be funded by the City
14 no matter what we do in this rules package, but for
15 smaller non-profits; the garden groups, the youth
16 programs, sports leagues, soup kitchens, they don't
17 have the money to hire lobbyists and they don't
18 have the sophistication to access government in the
19 way the large non-profits do. They rely almost
20 exclusively on the member items for their funding
21 and it's critical for a small non-profit, and
22 council members are on the ground in the districts.
23 We understand the needs of the community and who's
24 doing the best job at meeting them and member items
25 have been a way of meeting that need for funding.

2 There was a desperate need for reform of the member
3 item process to make it more transparent, more open
4 and most importantly more equitable to remove the
5 politics from the member item process, which had
6 been used as a tool for enforcing discipline in the
7 Council in often unsavory ways and we've done that
8 in this package. We've opened them up to a clear
9 understanding of how much every member will get
10 based on two components. One, equality of
11 resources in every district and second, an
12 additional amount based on the number of low-income
13 residents in the district. I think this is a
14 wonderful way to retain the benefits of member
15 items and to do away with some of the more unsavory
16 aspects of how they've been awarded in the past and
17 one of the reasons why I'm proud to support this
18 package. Thank you.

19 COMMITTEE CLERK: Ignizio.

20 COUNCIL MEMBER IGNIZIO: Thank you very
21 much. Mr. Chairman, if I may very briefly explain
22 my vote. You know, it takes a lot or I should say
23 let me flip it. It's actually very easy to say we
24 should have reform and we should change the
25 structure of the Council and we should dilute the

2 power of the Speaker when you're speaking from not
3 the position that you aspired to be in and it's a
4 whole different story when you're in the seat of
5 power in this institution and you're willing to
6 divest some of that power and empower the members.
7 And that's what this Speaker did and in fairness,
8 people like me, we're concerned about diluting the
9 power of the Speaker so much that she wouldn't be
10 an effective check on the Mayor. I think we
11 reached a good balance here of ensuring that we
12 have a Speaker that could lead the body and have
13 the position she or he is supposed to have because
14 we're talking about the institution, not about any
15 one person, and we also empowered to a greater
16 extent the Mayor... the members of this body while
17 not allowing for and doing away with the punitive
18 nature of people's dissent. In the past, if you
19 disagreed with a Land Use issue and the Speaker
20 wanted it, there was a concern that you would...
21 [off mic] I almost hit this off. There's a concern
22 that you would anger the Speaker and then that
23 would be taken out in essence, against your
24 constituents because it'd be taken out on you in
25 various different ways; your ability to function

2 properly as a member of this body. What this rule
3 reform has done, and thanks to the Chairman and
4 thanks to the Speaker, is removed that punitive
5 nature and said no, we respect the voice of
6 dissent. We might not agree with it; we might even
7 like it, but we're going to respect it. We're
8 going to allow it to be heard and I think there's a
9 citywide story here that's not being picked up:
10 that this will last for generations. The impact on
11 people's lives and what we're doing here today is
12 vast because the representatives; the
13 representatives of the people will be empowered to
14 speak for and fight for their district in a way
15 that we haven't seen before and I wanted to thank
16 my friend, the Speaker and thank the Chairman,
17 who's done a great job of really engaging members.
18 This was an open process to every member and if you
19 had a legitimate issue you could raise it with
20 them. I'm not going to say I agree with everything
21 in the package, but I don't think anybody... well,
22 maybe except for Brad and the Speaker, agree with
23 everything in the package, [laughter] but that
24 being said, this is a vast step towards democracy

2 with a small d and I'm looking forward to its
3 implementation and I proudly vote aye.

4 COMMITTEE CLERK: Levine.

5 COUNCIL MEMBER LEVINE: I can explain
6 my vote again, but I think I already voted aye.

7 [laughter]

8 COMMITTEE CLERK: Speaker Mark-
9 Viverito.

10 SPEAKER MARK-VIVERITO: I want to thank
11 all the staff that worked extremely hard and
12 throughout this process, I really want to thank all
13 the members that were highly engaged and giving
14 feedback and I want to thank the Chair as well. I
15 think just in essence, we've talked about this
16 issue a lot, but its impact is very substantial and
17 I have to say that I've always stood behind, even
18 prior to January, I've always stood behind the
19 issue of reforming our rules because it really just
20 models what I believe in and it is inclusive
21 leadership and that it is not about admonishing and
22 it's not about being retaliatory; that there's ways
23 of reaching consensus through collaboration and
24 there's other ways of arriving at that point. So
25 I'm really excited that we've been able to

2 accomplish this. It is a pretty big deal for this
3 institution and I want to really thank everybody
4 for their effort and I proudly vote aye.

5 COMMITTEE CLERK: By a vote of 11 in
6 the affirmative, zero in the negative and no
7 absentions, the Item has been adopted. Members,
8 please sign the Committee Report.

9 CHAIRPERSON LANDER: Thank you very
10 much, everyone. This meeting of the Committee on
11 Rules, Privileges and Elections is adjourned.

12 [gavel]

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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. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Date: 05/15/2014