

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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October 27, 2016
Start: 10:39 a.m.
Recess: 11:09 a.m.

HELD AT: Council Chambers - City Hall

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

COUNCIL MEMBERS: Inez E. Dickens
Daniel R. Garodnick
Ydanis A. Rodriguez
Margaret S. Chin
Deborah L. Rose
Jumaane D. Williams
Rafael L. Espinal, Jr.
Mark Levine
Speaker Melissa Mark-Viverito
Steven Matteo

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

2 [sound check, pause]

3 CHAIRPERSON LANDER: Great. Here we go.

4 [gavel] Good morning and welcome to the New York

5 City Committee on Rules, Privileges and Elections.

6 I'm Brad Lander, Chair of the committee, and we're

7 joined this morning by Council Member Dan Garodnick,

8 Council Member Margaret Chin, Council Member Debbie

9 Rose, Minority Leader—Leader Steve Matteo, Council

10 Member Rafael Espinal and Council Member Inez Dickens

11 and Council Member Ydanis Rodriguez, and others will

12 be joining us as well. Thank you to committee

13 counsel Patrick Bradford, as always to Chuck Davis

14 our Director of Investigations as well as Alyssia

15 Vassel (sp?), Andre Johnson-Brown and Addo

16 Knight(sp?) for all the materials that we have here.

17 We are voting on two nominations today. In a letter

18 dated October 14, 2016, Mayor Bill de Blasio formally

19 submitted the name of Kenneth Mitchell to the Council

20 for our advice and consent regarding his

21 recommendation by the Staten Island Delegation for

22 appointment to the New York City Taxi and Limousine

23 Commission. If Mr. Mitchell is—receives the advice

24 and consent of the Council and is subsequently

25 appointed to the TLC, he's a Staten Island resident.

2 He'll be eligible to complete the remainder of the
3 seven-year term expiring on January 31, 2022, and we
4 had a good dialogue with him in particular about the
5 needs of Staten Islanders in relationship to taxi for
6 hire vehicles and other TLC service. And I our
7 second nomination in a letter dated October 6, 2016,
8 Mayor Bill de Blasio formally submitted the name of
9 Laurie Hawkinson to the Council for our advice and
10 consent regarding her nomination for appointment to
11 the New York City Art Commission. She is a Manhattan
12 resident, and would be appointed to the seat
13 designated for an architect, and be eligible to
14 complete the remainder of the three-year term
15 expiring December 31, 2016. So I guess she will have
16 to be reappointed after that, and she was I think,
17 you know, eminently qualified for the Art Commission
18 and showed really she's got a lot of experience
19 working on public realm projects and answered our
20 questions in a very thoughtful and thorough ways. We
21 have one small item of follow up, which is that
22 during the committee meeting on October 20th, Council
23 Member Garodnick raised a question about the Conflict
24 of Interest Board letter dated September 28, 2016 to
25 Sidney Nielson, Chair of the Art Commission. The

2 letter was sent in connection with this nomination.

3 Laurie Hawkinson has some business that her firm has

4 done before the Art Commission, and she was seeking

5 COIB guidance on what work she could and could not

6 participate in, and in that letter as Council Member

7 Garodnick noted, it was indicated that it would not

8 conflict for the purposes introduced to the City from

9 Ms. Hawkinson's firm. Not her directly but her firm

10 to appear before the commission on projects sponsored

11 by the city or by a "city affiliated not-for-profit."

12 Council Member Garodnick asked about what is a city

13 affiliated not-for-profit, which was not a definition

14 or a term that any of us were familiar with. Chuck

15 Davis and Council for the committee Patrick Bradford

16 contacted Wayne Hawley, General Council for COIB, and

17 he directed the committee to the COIB Advisory

18 Opinion No. 2003-4, Page 2, and I think members all

19 have a copy of that for a definition of City

20 affiliated not-for-profit, and he also provided a

21 four-page list of city affiliated not-for-profits,

22 which is quite a fascinating list, which includes

23 some things that you would expect like the Mayor's

24 Fund and the Fund for Public Schools, and then also

25 quirky things that seem to have been a long time like

2 a local not-for-profit school for young children
3 under the category Mark Green. So it may be that
4 COIB should clean up its list of these items, and I
5 will say this is actually not unrelated to other
6 legislation that the Council is currently
7 contemplating and considering in relationship to not-
8 for-profits, and fundraising and conflict issues with
9 the city. That's for a future dialogue and hearing,
10 but for now at least in terms of how it relates to
11 specific to—specifically to Ms. Hawkinson's letter,
12 it is quite clear what the city affiliated not-for-
13 profits are under the COIB definition and current
14 COIB list under which Ms. Hawkinson's firm could
15 appear before the Art Commission, but she could not
16 directly, and those documents have been sent to the
17 Council by the Art Commission, and put into the
18 record. If there's about that or anything else we
19 can talk before proceeding to a vote. I recognize
20 Council Member Garodnick.

21 COUNCIL MEMBER GARODNICK: Thank you very
22 much. First of all, I just want to thank the staff
23 of this committee and the legal team for going that
24 extra step to answer some of the questions about the
25 City affiliated not-for-profits. I think I certainly

2 have now a better clarity on the existence of the
3 list and the permissibility of an applicant like Ms.
4 Hawkinson doing some work for them, and so I-I
5 certainly will be happily supporting both candidates.
6 I-I did want to make the point and I think you
7 started to make that Mr. Chair that the list itself
8 is odd. The list has items on it, which you would
9 expect like the Bronx Children's Museum or the
10 Riverside Park Fund or-or even the World Trade Center
11 Memorial Foundation, but it also includes items like
12 from Council Member Allan Gerson's office Downtown
13 Visions, and I have spoken to his successor and this
14 is not a program that is, you know, well known to
15 her. Council Speaker Christine Quinn not-for-profit
16 organizations whose city funding was cut for Fiscal
17 Year 2009 is on this list, and as you've noted, Mark
18 Green a local non-profit school for young children.
19 So I-I-I certainly hope that the Conflict of
20 Interests Board will take a fresh look at the list,
21 and consider whether this is really the-the list that
22 is applicable today, and whether there should be
23 other groups on it, and obviously there's some legacy
24 items here that deserve to be removed. I think
25 that's something actually and I have referred this to

2 the broader Council, and also to the Chair of the Gov
3 Ops Committee. As you know, there's a broader
4 conversation. You know, this comes out of an
5 advisory opinion. Not out of a local law, and I
6 think part of the gray area is what are the rules
7 around fundraising by elected officials. This list
8 doesn't come as I understand it specifically from a--
9 the kind of question Ms. Hawkinson asked. It-it's
10 generated by COIB as how to think about some rules
11 around fundraising by elected officials in
12 relationship to not-for-profits, and that there's
13 some distinction between city affiliated not-for-
14 profits like raising for the Mayor's Fund or I assume
15 in former Speaker Quinn's case perhaps she was
16 looking to do private fundraising to alleviated cuts
17 the city had, and there's an argument that that is in
18 some way different from other kinds of fundraising
19 that an elected official might do. None of that has
20 provided any guidance by local law, though. So COIB
21 here, part of the reason that they're big is they're
22 trying to invent or they were trying to do-to do by
23 advisory opinion some guidance, and I think all of
24 that, and it's not just the list the needs cleaning
25 up it's the framework by which local law and the

2 advisory opinion work together to provide that
3 guidance, and I'm hopeful that the Council and the
4 Gov Ops will be taking that question up in the not
5 too distant future, and it's helpful now that we at
6 least know this opinion and list exists so we can
7 make sure as we do that work that we provide that
8 additional guidance. But in any case, I concur with
9 you that for Ms. Hawkinson's purpose this is
10 sufficient for making sure that her particular
11 conflicts are addressed. Any other questions or
12 comments before we proceed to a vote on these two
13 candidates? [pause] Okay. Alright, seeing no other
14 questions or comments, we will proceed to a vote on
15 these two candidates. Alright, seeing no other
16 questions or comments, we will proceed to a vote on
17 these two candidates? So, I'll ask the clerk to call
18 the roll.

19 CLERK: William Martin, Committee Clerk.
20 Roll call vote Committee on Rules. Chair Lander.

21 CHAIRPERSON LANDER: I vote aye on both.

22 CLERK: Dickens

23 COUNCIL MEMBER DICKENS: [off mic] Aye.

24 CLERK: Garodnick.

25 COUNCIL MEMBER GARODNICK: Aye.

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2 CLERK: Rodriguez.

3 COUNCIL MEMBER RODRIGUEZ: Aye.

4 CLERK: Chin.

5 COUNCIL MEMBER CHIN: Aye.

6 CLERK: Rose.

7 COUNCIL MEMBER ROSE: Aye.

8 CLERK: Espinal.

9 COUNCIL MEMBER ESPINAL: Aye.

10 CLERK: Levine.

11 COUNCIL MEMBER LEVINE: Aye.

12 CLERK: Matteo.

13 COUNCIL MEMBER MATTEO: Aye.

14 CLERK: By a vote of 9 in the

15 affirmative, 0 in the negative and no abstentions,

16 both items have been adopted by the committee.

17 CHAIRPERSON LANDER: Thank you very much,

18 Billy, and we will leave the roll open for ten

19 minutes to allow other members to come and vote.

20 [pause]

21 CLERK: Continuation of roll call, the

22 Committee on Rules. Speaker Mark-Viverito

23 SPEAKER MARK-VIVERITO: I vote aye.

24 CLERK: The vote now currently stands at

25 10 in the affirmative. [pause] The final vote,

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2 Committee on Rules, stands at 10 in the affirmative,
3 0 in the negative and no abstentions.

4 COUNCIL MEMBER MATTEO: Thank you. Let
5 it be know that the Minority Leader is closing out
6 this hearing, and we are officially closed. [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. 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 November 15, 2016