

THE COUNCIL OF THE CITY OF NEW YORK

Corey Johnson, Speaker

## BRIEFING PAPER OF THE

**COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS**

## Karen Koslowitz, Chairperson

# July 27, 2021

**Candidate for Appointment by the Mayor upon Advice and Consent of the Council as Corporation Counsel of the City of New York.**

**Georgia Pestana [ Preconsidered M 322]**

By letter dated July 8, 2021, Mayor Bill de Blasio formally submitted the name of Georgia Pestana to the Council of the City of New York concerning the appointment of Ms. Pestana as Corporation Counsel of the City of New York. As Corporation Counsel, Ms. Pestana would serve as the head of the New York City Law Department.

Pursuant to the New York City Charter (“Charter”) Section 31,the Mayor nominates and, with the advice and consent of the Council, appoints the Corporation Counsel. Section 391(b) of the Charter stipulates that the Mayor shall submit a nominee for Corporation Counsel to the City Council for its advice and consent within 60 days of a vacancy. Today, the Corporation Counsel receives an annual salary of $243,171.

**Law Department Powers and Duties**

Chapter 17 of the Charter outlines the powers of the Corporation Counsel and the New York City Law Department. The Charter dictates that the Corporation Counsel shall be the attorney for the City and all City agencies. The Law Department “shall have the charge and conduct of all the law business of the city and its agencies and in which the city is interested.” New York City Charter, Section 394(a).

This mandate includes the ability to institute legal actions on behalf of the City in any court. New York City Charter, Section 394(c). Any settlement requires the approval of the Comptroller. *Id.* The Corporation Counsel is also charged with preparing certain legal papers for the City, including leases, deeds, contracts, and bonds, among other types of legal papers. New York City Charter, Section 394(b).

**Agency Structure**

Pursuant to Section 392 of the Charter, the Corporation Counsel is authorized to appoint and assign various positions.

The Corporation Counsel “may appoint a first assistant corporation counsel, and such other assistants as may be necessary . . . .” New York City Charter, Section 392(a).

The First Assistant Corporation Counsel “possesses all of the powers” to act as the Corporation Counsel if the Corporation Counsel is absent or disabled, and in case of the death or a vacancy in the office of Corporation Counsel, acts “as the Corporation Counsel until the appointment of a new Corporation Counsel.” New York City Charter, Section 392(b). Georgia Pestana was serving as the First Assistant Corporation Counsel when the position of Corporation Counsel became vacant. Since the vacancy occurred, she has been serving as the Acting Corporation Counsel.

Assistant Corporation Counsels will possess the power to perform duties as assigned by the Corporation Counsel, by written authority filed on record at the Law Department.  New York City Charter, Section 392(c).

**Conclusion**

If appointed, Ms. Georgia Pestana will fill a recent vacancy and serve for an indefinite term. Ms. Pestana will appear before the New York City Council’s Committee on Rules, Privileges, and Elections on July 27, 2021. Copies of Ms. Pestana’s résumé, Committee Report/Resolution, and answers to pre-hearing questions are attached to this briefing paper.

Encl.

**PROJECT STAFF**

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