Legislation Details (With Text)

File #:	Res 0841-2019	**Version:**	*	**Name:**	Resolution to amend the Rules of the Council in relation to procurement procedures, eliminating requirement that papers be submitted in quadruplicate, membership, title and formation of Standing Committee and Land Use, which would include the dissolution
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Rules, Privileges and Elections
On agenda:	4/9/2019				
Enactment date:				**Enactment #:**	

Title: Resolution to Amend the Rules of the Council, in relation adding Rule 2.45 to the Rules of the Council, modifying Rule 6.00, making certain changes to Chapter VII, Committees, and to Chapter XI, Rules of the Land Use Committee.

Sponsors:

Indexes:

Attachments: 1. Res. No. 841, 2. Committee Report, 3. Standing Committees of the Council, 4. Rules of the Council, 5. Hearing Transcript, 6. April 9, 2019 - Stated Meeting Agenda with Links to Files, 7. Hearing Transcript - Stated Meeting 4-9-19, 8. Minutes of the Stated Meeting - April 9, 2019

Date	Ver.	Action By	Action	Result
4/9/2019	*	Committee on Rules, Privileges and Elections	Hearing on P-C Item by Comm	
4/9/2019	*	Committee on Rules, Privileges and Elections	P-C Item Approved by Comm	Pass
4/9/2019	*	City Council	Introduced by Council	
4/9/2019	*	City Council	Approved, by Council	Pass

Preconsidered Res. No. 841

Resolution to Amend the Rules of the Council, in relation adding Rule 2.45 to the Rules of the Council, modifying Rule 6.00, making certain changes to Chapter VII, Committees, and to Chapter XI, Rules of the Land Use Committee.

By Chair Karen Koslowitz:

RESOLVED, the New York City Council consents to the following:

CHAPTER II - SPEAKER AND OTHER OFFICERS

2.45. Procurement Procedures - a. The Speaker shall establish procurement procedures that shall apply to all Council members and Council employees, so as to ensure efficiency, cost control and avoid conflicts of interest in the procurement process. All Council members and Council employees shall be required to comply with the procurement procedures established by the Speaker, as well as any related requirements for training set by the Speaker. The Speaker shall make available to all Council Members and Council employees a copy of such procedures and any changes thereto.

b. The procurement procedures set by the Speaker shall take effect immediately.

CHAPTER VI - PROPOSED LOCAL LAWS AND RESOLUTIONS

6.00. Preparation and Presentation of Papers - The word paper when used herein shall include all local laws, resolutions, petitions, communications from City, county and borough offices and reports which may be proposed to the Council for action. All papers other than committee reports shall be presented in writing [and in quadruplicate], endorsed with the name of the introducer or originator, and, with the exception of committee reports, must be deposited with the Office of the Speaker before 1 p.m., at least three business days, excluding municipal holidays, preceding the meeting day.

The style of local laws shall be “Be it enacted by the Council as follows.” Every local law shall embrace only one subject. The title shall briefly refer to the subject matter.

CHAPTER VII -- COMMITTEES

700. Appointment - a. Prior to the establishment of the membership of any other committee, and after the selection of the Speaker, the Council shall elect the membership of the Committee on Rules, Privileges and Elections. All other committees and appointments thereto shall be recommended by the Committee on Rules, Privileges and Elections, approved by the Council and published in the Calendar. All standing committee chairpersons shall be elected by the Council as a whole. Once elected, a standing committee or subcommittee chairperson may be removed prior to the end of the session without their consent only by the uncoupled vote of 2/3 of all the members. The standing committees of the Council shall bear the following titles and possess the following substantive matter jurisdictions:

AGING - Department for the Aging and all federal, state and municipal programs pertinent to senior citizens.

CIVIL AND HUMAN RIGHTS - Human Rights Commission, Equal Employment Practices Commission and Equal Employment Opportunity.

CIVIL SERVICE AND LABOR - Municipal Officers and Employees, Office of Labor Relations, Office of Collective Bargaining, Office of Labor Services, and Municipal Pension and Retirement Systems.

CONSUMER AFFAIRS AND BUSINESS LICENSING - Department of Consumer Affairs and Office of Nightlife.

CONTRACTS - Procurement Policy Board, review of City procurement policies and procedures, oversight over government contracts, Mayor's Office of Contract Services and collection agency contracts.

CRIMINAL JUSTICE - Department of Correction and Department of Probation.

CULTURAL AFFAIRS, LIBRARIES AND INTERNATIONAL INTERGROUP RELATIONS -

Department of Cultural Affairs, libraries, museums, Art Commission, New York City Commission for the United Nations, Consular Corps and Protocol, Mayor's Office of Special Projects and Community Events, and to encourage harmony among the citizens of New York City, to promote the image of New York City and enhance the relationship of its citizens with the international community.

ECONOMIC DEVELOPMENT - Economic Development.

EDUCATION - Department of Education, School Construction Authority, and Charter Schools.

ENVIRONMENTAL PROTECTION - Department of Environmental Protection and Office of Long Term Planning and Sustainability and Office of Recovery and Resiliency.

FINANCE - Executive Budget review and Budget modification, Banking Commission, Comptroller's Office, Department of Design and Construction, Department of Finance, Independent Budget Office and fiscal policy and revenue from any source.

FIRE AND EMERGENCY MANAGEMENT - Fire/EMS (non-health-related issues), and Emergency Management Department (OEM).

GENERAL WELFARE - Human Resources Administration/Department of Social Services, Administration for Children's Services, Department of Homeless Services, and charitable institutions.

GOVERNMENTAL OPERATIONS - Municipal governmental structure and organization, Department of Citywide Administrative Services, Office of Administrative Trials and Hearings, Community Boards, Tax Commission, Board of Standards and Appeals, Campaign Finance Board, Board of Elections, Voter Assistance Commission, Commission on Public Information and Communication, Department of Records and Information Services, Financial Information Services Agency and Law Department.

HEALTH - Department of Health and Mental Hygiene, Office of the Chief Medical Examiner and EMS (health-related issues).

HIGHER EDUCATION - City University of New York.

HOSPITALS - Public and private hospitals, Health and Hospitals Corporation.

HOUSING AND BUILDINGS - Department of Housing Preservation and Development, Department of Buildings and rent regulation.

IMMIGRATION - Mayor's Office of Immigrant Affairs and other matters affecting immigration.

JUSTICE SYSTEM - Mayor's Office of Criminal Justice, courts, legal services, District Attorneys and the Office of the Special Narcotics Prosecutor

JUVENILE JUSTICE - Division of Youth and Family Justice within the Administration for Children's Services.

LAND USE - City Planning Commission, Department of City Planning, Department of Information Technology and Telecommunications, Landmarks Preservation Commission, land use and landmarks review.

MENTAL HEALTH, DISABILITIES AND ADDICTION - Department of Health and Mental Hygiene (issues of mental health, developmental disability and addiction services) and Mayor's Office for People with Disabilities.

OVERSIGHT AND INVESTIGATIONS - To investigate any matters within the jurisdiction of the Council relating to property, affairs, or government of New York City and the Department of Investigation.

PARKS AND RECREATION - Department of Parks and Recreation.

PUBLIC HOUSING - New York City Housing Authority.

PUBLIC SAFETY - Police Department and Civilian Complaint Review Board.

RULES, PRIVILEGES AND ELECTIONS - Council structure and organization and appointments.

RESILIENCY AND WATERFRONTS - Office of Recovery and Resiliency, the Office of Long Term Planning and Sustainability as it relates to efforts to make New York City more resilient in the face of climate change, and preparing for, responding to, and recovering from emergencies, and matters relating to the waterfront.

SANITATION AND SOLID WASTE MANAGEMENT - Department of Sanitation and the Business Integrity Commission.

SMALL BUSINESS - Department of Small Business Services and matters relating to retail business and emerging industries.

STANDARDS AND ETHICS - Conflicts of Interest Board and Council Ethics.

STATE AND FEDERAL LEGISLATION - Federal legislation, State legislation and Home Rule requests.

TECHNOLOGY - Technology in New York City, Department of Information Technology and Telecommunications (non- land use-related issues), Mayor's Office of Media & Entertainment, NYC TV, and dissemination of public information through the use of technology.

TRANSPORTATION - Mass Transportation Agencies and facilities, Taxi and Limousine Commission, Department of Transportation and New York City Transit Authority.

VETERANS - Department of Veterans' Services and other veteran related issues.

WOMEN and GENDER EQUIT Y - Issues relating to advancing the economic mobility, social inclusion, leadership and civic participation of women and girls, domestic violence, [Office to Combat Domestic Violence] Office to End Gender-Based Violence and the Commission on Gender Equity.

YOUTH SERVICES - Youth Board, Department of Youth and Community Development, Interagency Coordinating Council on Youth, and youth related programs.

b. Each standing committee shall be composed of no fewer than five members.

c. The Speaker may create such subcommittees or special committees as he or she deems necessary and appropriate.

CHAPTER XI - RULES OF THE LAND USE COMMITTEE

11.00. Membership - The Land Use Committee shall include at least one member from each borough.

11.10. Subcommittees - a. Jurisdiction - The Land Use Committee shall have [the following subcommittees:] a subcommittee on [(i)] Zoning and Franchises[; (ii) Planning Dispositions and Concessions; (iii)], a subcommittee on Landmarks, Public Sitings and Maritime Uses[; and (iv)], and such others as [shall be] determined by the Speaker. The Speaker shall determine the jurisdiction of [the] such subcommittees and shall promulgate a list, which the Speaker may amend from time to time, of those matters within the jurisdiction of each subcommittee.

b. Acting chairs - The chair of the committee or a subcommittee may appoint a member of the [committee or subcommittee as the case may be,] Council to act as a temporary chair to conduct a meeting in the chair's absence.

c. Land Use Chair - The chair of the Land Use Committee shall be an ex-officio member of all the subcommittees. [As an ex-officio member, the chair may vote on matters before a subcommittee only if the chair's vote is required to break a tie.]

d. Scheduling subcommittee meetings - The hearings and meetings of each subcommittee shall be held at the call of the chair of the subcommittee pursuant to the notice and other requirements of section 11.30 and other applicable provisions of [these rules] law.

e. Subcommittees to observe statutory clocks - Each subcommittee shall consider and take action on all matters referred to the subcommittee [at a meeting and shall report on any action it takes to the Land Use Committee] pursuant to a schedule that will enable both the Land Use Committee and the Council to act within any time limits for Council action prescribed by law.

f. Discharge from subcommittees - The chair of the Land Use Committee may call-up to the committee any matter referred to a subcommittee if a call-up is necessary to enable the committee and the Council to act on a matter within any time limit for Council action prescribed by law. The Land Use Committee may close the record of the public hearing on any such matter, if the record has not already been closed by the subcommittee.

11.20. Referrals to Land Use Committee - a. Matters to be filed with the Speaker - All matters subject to review by the Council pursuant to chapters 8, 14, [29] 56 and 74 of the City Charter, or other provisions of state or city law, shall be filed with the office of the Speaker. Upon filing, the Speaker shall refer each such matter to the subcommittee that has jurisdiction over the matter in accordance with the list provided for in section 11.10(a). [; provided, however, that matters that may be reviewed by the Council only pursuant to section 197-d(b)(3) of the City Charter and filings by the Mayor pursuant to sections 197-d(f) and 197-d(g) of the City Charter shall be subject to the provisions of subdivisions b, c, d and e of this section.] All such referrals shall be made in a timely manner in order to permit the Council to act within any time limits prescribed by law.

b. Matters subject to call-up - Matters subject to review by the Council pursuant to section 197-d

(b)(3) of the City Charter, or section 20-225 or 20-226 of the Administrative Code shall be subject to the provisions of subdivisions c and d of this section.

c. Call-up resolutions - A resolution providing for Council review of a matter pursuant to section 197-d(b)(3) of the City Charter or section 20-225 or 20-226 of the Administrative Code shall be introduced directly to the Council, without referral to a committee or subcommittee; provided, however, that such a resolution may be introduced only if the resolution is sponsored by (i) the Speaker; (ii) seven Council Members; or (iii) [if, pursuant to subdivision c of this section, the resolution is introduced] by the chair of the Land Use Committee pursuant to subdivision d of this section. Such resolution may be introduced from the date the city planning commission or the department of consumer affairs votes to approve or approve with modifications a matter subject to the provisions of this section, to a date twenty days following the filing of such matter with the Council. Such resolution shall not be subject to debate at a Council meeting. For the purposes of this subdivision, an affected Council district is a district that contains real property that is the subject of the matter to be reviewed. [Any resolution introduced pursuant to this subdivision or subdivision c shall not be subject to debate at a Council meeting.] Upon adoption by the Council of a resolution introduced pursuant to this subdivision [or subdivision d], the matter that is the subject of the resolution shall be considered by the Land Use Committee and its subcommittees.

[c]d. Chair call ups of related matters - If a single project or development involves more than one matter filed with the Council at approximately the same time pursuant to section 197-d(a) of the City Charter and at least one but not all of such related matters are subject to Council review pursuant to sections 197-d(b)

(1) or (2), the chair of the Land Use Committee shall introduce directly to the Council, without referral to committee, a resolution providing for Council review pursuant to section 197-d(b)(3) of all such related matters that are not subject to Council review pursuant to sections 197-d(b)(1) or (2). The chair shall introduce all such resolutions promptly upon the filing of such matters with the Council. For purposes of this subdivision, two or more matters shall be deemed to be filed "at approximately the same time" if they are filed with the Council prior to the date on which the Council votes, pursuant to section 197-d(c), on the first of the matters filed. A matter that is the subject of a resolution introduced pursuant to this section shall be referred to the Land Use Committee and its subcommittees together with all related matters as a single package of related matters.

[d. If the Council passes a resolution pursuant to subdivision c of this section to review one or more matters relating to a single project or development that are filed with the Council at the same time, all the related matters that are the subject of such a resolution shall be referred to and reported out of the Land Use Committee as a single package of related matters. For purposes of this subdivision only, two or more matters shall be deemed to be filed "at the same time" if they are filed prior to the date on which the notice for the public hearing on the first of the matters filed is issued.]

e. Council overrides of mayoral disapprovals and objections - A resolution to override a filing by the Mayor pursuant to sections 197-d(f) or 197-d(g) of the City Charter may be introduced by any Council Member at [the next] a Council meeting [following] within 10 days of such filing and shall not be referred to the Land Use Committee or its subcommittees.

[f. All matters subject to review by the Council pursuant to Article 16 of the General Municipal

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Law shall be filed with the office of the Speaker. Upon filing, the Speaker shall refer each such matter to the subcommittee that has jurisdiction over such matter in accordance with the list provided for in section 11.10(a). All such referrals shall be made in a timely manner in order to permit the Council to act within any time limits prescribed by law. The subcommittee shall hold a public hearing on all such matters within one hundred fifty (150) days of the date of filing with the office of the Speaker.]

11.30. Calendar and Public Notice - a. Calendar distribution - The chairs of the Land Use Committee and the subcommittees shall cause to be prepared a regular calendar of the meetings of the Land Use Committee and each of its subcommittees. The calendar shall be posted on the Council's website, electronically delivered to each Council Member, borough president and community board, [shall be] and made available to the public free of charge at City Hall[, and shall be electronically delivered to each borough president and each community board]. Each calendar shall [include all matters referred to the committee and subcommittees and shall] indicate the meetings of the committee and the subcommittees at which each matter is scheduled for public hearing or consideration. The failure to include a matter in the calendar shall not bar the committee and its subcommittees from holding a public hearing on or voting with respect to the matter, [unless the matter is added to the agenda as far in advance of the meeting at which the vote is to occur as is practicable and not less than two thirds of the members of the committee vote to add the matter to the agenda] provided the notice requirements of these rules and applicable law have been satisfied. [The failure to include a matter in the calendar shall bar the committee and its subcommittees from holding a public hearing on the matter unless (i) the matter is added to the agenda as far in advance of the hearing as is practicable, (ii) any notice requirements

in the City Charter are satisfied, and (iii) not less than two thirds of the members of the committee or subcommittee vote to add the matter to the agenda.]

b. Additional meetings - The chair of the Land Use Committee may call meetings of the Land Use Committee in addition to those meetings on the calendar, and the chair of a subcommittee may call meetings of the subcommittee in addition to those meetings on the calendar, pursuant to the notice and other requirements of this section and the other applicable provisions of these rules.

[b]c. Public notice - [of the] The time and place of each Land Use Committee and subcommittee meeting [scheduled at least one week prior thereto shall be given to the news media and] shall be posted on the Council's website. [Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be posted on the Council's website.] In addition, public notice of all public hearings of the Council, the Land Use Committee and its subcommittees required pursuant to section 197-d of the City Charter shall be published in the City Record not less than five days prior to such hearing. The public notice requirements of this subdivision are in addition to any other public notice requirements of these rules and applicable law.

11.40. Public Hearings - a. Subject matter - Each subcommittee shall hold on behalf of the Council all public hearings required by law with respect to matters referred to the subcommittee pursuant to rule 11.20. The Land Use Committee shall hold on behalf of the Council all public hearings required by law with respect to matters referred to the committee, which have not been the subject of a subcommittee hearing. If a number of matters relating to a single project or development are filed at the same time pursuant to section 197-d of the

City Charter and such matters fall within the jurisdiction of more than one subcommittee, there shall be a single hearing on such related matters. The Speaker shall determine whether the public hearing on such related matters shall be held by the Land Use Committee or by a subcommittee.

b. Appearances - Each person [filling out] who submits an appearance form at a public hearing [required pursuant to section 197-d of the City Charter] on an item referred to the Land Use Committee or its subcommittees pursuant to Rule 11.20 shall be given the opportunity to speak. The Council [m]Member [of the Land Use Committee] presiding at a public hearing of the Land Use Committee or a subcommittee may establish a time limit for all members of the public speaking at such hearing.

c. Record - The Land Use Committee and its subcommittees shall make available to all Council Members the record of all public hearings of the committee and its subcommittees with respect to matters referred to the committee pursuant to section 11.20. The record of a public hearing of the committee or its subcommittees shall consist of a list of the names and affiliations of the speakers at the hearing, each speaker's indication (on a form provided for that purpose) of support or opposition to the matter under consideration, any written statements offered by speakers, any other documents introduced on the record at the hearing, and any transcripts of the hearing. As far in advance as is practicable of consideration by the full Council of any such matter, copies of the items in the record and of materials filed with the Council [as specified in sections 197d (a), 704(g) and 3020(8)] pursuant to chapters 8, 14, 56 and 74 of the City Charter, or other applicable law, shall [either] be [given to Council Members or] made available to Council shall [either] be [given to Council Members or] made available to Council Members on an ongoing basis. All such materials and any related

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subcommittee and committee reports [, and the other materials referred to in the preceding sentence] shall be made available to the public for inspection by appointment.

11.50. Voting - a. Majority of all members required - All Land Use Committee and subcommittee determinations shall be on the affirmative roll call vote of not less than a majority of all the members of the committee or subcommittee[, including vacancies and absences but not including] excluding ex-officio members. The chair of the Land Use Committee may vote on matters before a subcommittee only if the chair's vote is required to break a tie.

b. Closing hearings - Neither the Land Use Committee nor its subcommittees shall vote on a matter until the record of any public hearing required by law on such matter has been closed by the committee or subcommittee.

11.60. Discharge of Committee - a. Notwithstanding anything to the contrary in these rules, the Council shall not act upon a matter referred to the Land Use Committee or its subcommittees pursuant to section 11.20 until the committee has reported thereon, except as provided in this section. Any matter referred to the Land Use Committee or its subcommittees for which, by law, there is a time limit for action by the Council, shall [at the last stated meeting of the Council preceding the expiration of such time limit,] be deemed to be discharged from further consideration by the committee and its subcommittees at the last stated meeting of the Council preceding the expiration of such time limit. [; provided, however, that the provisions of this sentence shall not apply to those matters reviewed by the Council (i) pursuant to section 195 of the City Charter or (ii) by virtue of a resolution under section 197-d(b)(3) of the City Charter, other than a resolution

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adopted pursuant to section 11.20(c) of these rules. The Land Use Committee may be discharged from further consideration of any matter referred to the committee pursuant to Section 11.20 that is not subject to the automatic discharge provision of the preceding sentence by a majority vote of the Council. A member of the Council shall give written notice, at least five business days in advance, to the chair of the Land Use Committee and the Speaker. Such notice shall be accompanied by a memorandum in support of the motion to discharge, which shall be signed by at least nine members. A proposed resolution on any matter that has been discharged from the committee shall not be voted upon at the same meeting at which the vote on the motion to discharge occurred unless a time limit for Council action under the City Charter would expire prior to the next stated meeting.]

b. Withdrawal - A matter filed with the Council shall be deemed withdrawn if the applicant files or causes the filing of a written statement that the application is withdrawn with the chair of the subcommittee or committee to which the matter was referred, the staff of the Land Use Committee, the Speaker of the Council, or the Council Member representing the affected district. Such statement may be submitted by e-mail. Upon the filing of such a statement, the application in question shall be void, the committee and its subcommittees shall be discharged from further consideration of the matter, and no further processing of such application shall be undertaken by the Council. The Council may vote to file a matter discharged pursuant to this subdivision at any subsequent stated meeting.

c. Record closed upon discharge - Upon discharge of a matter from the Land Use Committee pursuant to this section, [the Council may close] the record of the public hearing on [the] such matter shall be

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deemed closed [discharged] if the record has not been closed by the committee.

11.70. [Modifications of City Planning Commission Actions - a. The word "modification" as used in this section shall mean a change in the language of a resolution of the City Planning Commission that is subject to review by the Council pursuant to section 197-d of the City Charter. A "modification" need not include a minor changes to such a resolution.

b. Either the Council or the Land Use Committee may file with the City Planning Commission a proposed modification pursuant to section 197-d(b) of the City Charter. Such such a proposed modification filed by the committee shall be filed only upon the affirmative vote of not less than a majority of its members.

c. The Land Use Committee and the Council may take action with respect to a modification filed with the City Planning Commission not less than fifteen days after the date the modification is filed with the City Planning Commission unless the Council has received from the Commission a written statement indicating that a majority of the members of the Commission have made one of the findings listed below, together with the reasons therefor:

(i) the proposed modification may result in significant adverse environmental effects that (A) have not been addressed in the environmental review of the application, (B) are required to be addressed under the State Environmental Quality Review Act prior to approval of the proposed modification, and (C) cannot be addressed in the time period remaining for action by the Council under the City Charter; or

(ii) the proposed modification so significantly alters the matter under consideration that the City

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Charter requires the initiation of a new land use review process pursuant to section 197-c of the City Charter.

Any statement filed by the City Planning Commission pursuant to this section shall fully set forth the reasons for each finding pursuant to clauses (i) and (ii) above. If a modification includes a number of distinct changes to a Commission resolution, any such statement of the Commission shall include separate detailed findings with respect to each such change.

11.80.] Action by Resolution - The Council shall act by resolution with respect to all matters subject to review by the Council, pursuant to chapters 8, 14, [29] 56 and 74 of the City Charter or otherwise subject to the review of the Land Use Committee pursuant to Rule 11.20.

[11.90]11.80. Time Provisions - If the [expiration of a] time period for Council action set forth in [chapter 8, 14, 29 or 74 of the City Charter] any applicable provision of law [falls] ends on a Saturday, Sunday or [legal] public holiday, the expiration date shall be [deemed] extended until the next [working] business day [.] in accordance with the provisions of Section 20 of the New York State General Construction Law.

[11.100]11.90. Conflicts with Rules of the Council - In the event of a conflict between the Rules of the Land Use Committee in this chapter XI and the other chapters of these rules chapter XI shall govern with respect to the Land Use Committee and its subcommittees.

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