



Legislation Details (With Text)

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Sponsors: Leroy G. Comrie, Jr.

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Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting - July 24, 2002, 3. Hearing Transcript

Date	Ver.	Action By	Action	Result
7/24/2002	*	Committee on Rules, Privileges and Elections	Hearing on P-C Item by Comm	
7/24/2002	*	Committee on Rules, Privileges and Elections	P-C Item Approved by Comm	Pass
7/24/2002	*	City Council	Introduced by Council	
7/24/2002	*	City Council	Approved, by Council	Pass

Res. No. 431

Resolution amending certain Rules of the Council.

By Council Member Comrie:

Section one. Rule 5.10 of the Rules of the Council is hereby amended to read as follows:

5.10. Public Access - The Office of the Speaker shall keep accurate records of the meetings of the committees of the Council, including the members present, committee reports, a description of each matter considered, the memorandum of support and fiscal impact statement accompanying each proposed local law or resolution, the names of witnesses appearing before the committee and copies of their written testimony, when submitted. Such materials shall be open to public inspection free of charge and copying at reasonable fees at such times as is practicable. Proceedings and records of the Committee on Standards and Ethics shall be privileged and confidential. [Proceedings, documents and records of the Committee on Rules, Privileges and Elections pertaining to the financial disclosure statements and certifications required by Rule 10.80, shall be privileged and confidential.]

Any person requesting copies of such materials shall set forth in writing a specific description of the material sought which shall be submitted to the Office of the Speaker. A complete transcript of each committee meeting shall be available for public inspection free of charge within sixty days of such meeting. Copies of transcripts requested shall be provided at a reasonable fee to cover the cost of copying and, if necessary, mailing.

§2. Rule 7.00 of the Rules of the Council is hereby amended to read as follows:

7.00. 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. 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 SERVICE AND LABOR - Municipal Officers and Employees, Office of Labor Relations, Office of Collective Bargaining, Equal

Employment Practices Commission, Office of Labor Services, and Municipal Pension and Retirement Systems.

CONSUMER AFFAIRS - Department of Consumer Affairs.

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

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 International Business, Mayor's Office of Special Projects and Community Events, Mayor's Office of Film, Theatre and Broadcasting, 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 Corporation, Department of Business Services.

EDUCATION - Board of Education, School Construction Authority.

ENVIRONMENTAL PROTECTION - Department of Environmental Protection.

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 CRIMINAL JUSTICE SERVICES - Fire/EMS (non health related issues), Legal Aid, Department of Probation, Correction.

GENERAL WELFARE - Human Resources Administration/ Department of Social Services, Administration for Children's Services, Department of Homeless Services, Human Rights Commission, [Mayor's Office for People with Disabilities,] Department of Employment, Office of Immigrant Affairs, and charitable institutions.

GOVERNMENTAL OPERATIONS - Municipal governmental structure and organization, Department of Citywide Administrative Services, 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, Health and Hospitals Corporation and Office of the Chief Medical Examiner, EMS (health related issues).

HIGHER EDUCATION - City University of New York.

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

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, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES - [Department of Mental Health, Mental Retardation and Alcoholism Services] Department of Health and Mental Hygiene for issues of mental health, mental retardation and alcoholism 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 SAFETY - Police Department, Courts, District Attorneys, Special Narcotics Prosecutor, Civilian Complaint Review Board, Department of Juvenile Justice, Criminal Justice Coordinator, Office of Emergency Management, and Organized Crime Control Commission.

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

SANITATION AND SOLID WASTE MANAGEMENT - Department of Sanitation.

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

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

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

WOMEN'S ISSUES - Issues relating to public policy concerns of women, domestic violence, Office to Combat Domestic Violence, and Agency for Child Development.

YOUTH SERVICES - Youth Board, Department of Youth and Community Development, Department of Employment as related to youth service programs, Interagency Coordinating Council 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.

§3. Rule 7.50 c. of the Rules of the Council is hereby amended to read as follows:

7.50 c. Each committee, except for the Committees on State Legislation, Standards and Ethics, Oversight and Investigations, and Rules, Privileges and Elections shall meet no less than once a month except during the months of July and August.

§4. Rule 7.70 of the Rules of the Council is hereby amended to read as follows:

7.70. Required Voting - a. All committee determinations, except as provided for in Rule 8.50 b. , shall be on roll call vote of the majority of the entire committee, including determination on matters requiring a greater vote for final passage by the Council. All votes shall be cast in person and in open session. Except for a voice vote as authorized by Rule 8.50 b., [T] the result of each roll call vote, taken during any meeting of a committee, the name of each member voting for and each member voting against the matter, and the names of those members present but not voting shall be made available by the [Clerk of the Council] Legislative Document Division for inspection by the public at reasonable times. Members may submit to the committee a written explanation of their absence from a committee meeting, which shall become part of the record of such meeting.

b. Resolutions will be acted upon by a roll call vote, unless, at the discretion the Chairperson of the Committee to which it was assigned and with approval of the Speaker, such matter may be acted upon through a voice vote, once a quorum of the Committee Members are present. If approved by voice vote, such vote will be recorded by the Legislative Document Division as being, "adopted by the committee". Committee Members may have a "no vote" or "abstention" recorded by the Legislative Document Division, by specifically requesting such from the Chairperson, at the time of the voice vote.

§5. Rule 8.00 of the Rules of the Council is hereby amended to read as follows:

8.00. Order of Business - The order of business shall be as follows, unless otherwise directed by the Council:

1. Roll Call

2. Invocation

[2] 3. Adoption of the minutes

[3] 4. Messages and Papers from the Mayor

[4] 5. Communications from City, County and Borough Offices

[5] 6. Presentation of petitions and communications

7. Land Use Call-Ups

[6] 8. Communications from the Speaker

[7] 9. Discussion of general orders

[8] 10. Reports of special committees

[9] 11. Reports of standing committees

[10] 12. General orders and other pending matters

[11] 13. Introduction of local laws and resolutions

14. Discussion of resolutions

15. Resolutions

[12] 16. General discussion

[13] 17. Extension of remarks

Messages from the Mayor may, however, be received at any time. It shall always be in order to move to recall a local law from the

Mayor or call up for consideration a report from the Committee on Rules, Privileges and Elections.

§6. Rule 8.40 of the Rules of the Council is hereby amended to read as follows:

8.40. Voting - a. All votes cast at stated, charter and special meetings of the Council shall be in person.

b. Resolutions placed on the Resolution section of the Stated Meeting agenda shall be acted upon by voice vote. If adopted, such vote will be recorded by the Legislative Document Division as being, "adopted by action of the council". Council Members may have a "no vote" or "abstention" recorded by the Legislative Document Division at the time the matter is acted upon, by specifically requesting such from the Presiding Officer, at the time of the voice vote.

§7. Rule 8.50 of the Rules of the Council is hereby amended to read as follows:

8.50. Consideration of Resolutions [on Day of Introduction; Exceptions] - a. No resolution shall be adopted on the day of its introduction, unless it has been considered and approved by the Committee to which it was referred. [, except by unanimous consent. In the event of more than one request for immediate consideration the same shall be considered in the order of introduction. In requesting that a resolution receive immediate consideration, the prime sponsor at the time such resolution is introduced to the Council may request the Clerk of the Council to read such resolution in its entirety. After such reading, if there is no objection to immediate consideration, such resolution shall thereafter be subject to debate and amendment before being acted upon. The prime sponsor who requests that the resolution receive immediate consideration shall be deemed to have waived the right to speak for two minutes upon introduction of such resolution and may speak thereon only if there is no objection to the request for immediate consideration.

A copy of all resolutions with respect to which immediate consideration is requested shall be deposited in the mailbox of each Council Member, at least 48 hours before the meeting date on which said resolution is to be considered.

Items relating to matters properly within the jurisdiction of standing committees are not subject to immediate consideration unless the chairperson of the standing committee consents to such immediate consideration.]

b. Upon introduction, all Resolutions shall be referred to a Committee. Certain qualified Resolutions, which must contain subject matter having time sensitive considerations or are general in application, may be designated jointly by the Chairperson of the Committee to which it was assigned and the Speaker, as an "8.50 b. Resolution". Such designation, where practical, will allow for a prompt hearing by the Committee to which it was assigned. At a prompt hearing, the Sponsor of such Resolution shall move the Committee, when a quorum is present, for its immediate consideration of the matter before it, by providing the Committee with a brief description of the merits of such Resolution. Witness testimony shall be prohibited. At the conclusion of the Sponsor's statement, the Committee Chairperson shall close the hearing on this matter and, pursuant to Rule 7.70, at his or her discretion, move to approve the matter either by roll call vote or voice vote of the Committee Members. Resolutions that have not received an 8.50 b. designation shall continue to be considered under applicable Rules.

c. A Committee approved Resolution, at the discretion of the Speaker, can be placed either on the General Orders section of a Stated Meeting agenda, where it will be included as part of the roll call vote, or on a separate section of a Stated Meeting agenda referred to as, "Resolutions", which shall follow, "Discussion of resolutions", pursuant to Rule 8.00, for action by the Council. Resolutions assigned to this section of the agenda will be considered individually and voted on, by voice vote, with no debate or amendment. If adopted, such vote shall be recorded by the Legislative Document Division as being "adopted by action of the council". Individual Council Members may have a "no vote" or "abstention" recorded at the specific time the resolution is acted upon by requesting such of the Presiding Officer.

§8. The Rules of the Council are hereby amended by the addition of a new provision, 9.225 to read as follows:

9.225. Discussion of resolutions - Any Member, when recognized by the Presiding Officer, may speak on any Resolution on the Resolution calendar during the period of discussion of Resolutions. Such Member may speak for no more than a total of one (1) minute unless permission to extend the time is granted by a majority of the members present.

§9. Rule 10.80 of the rules of the council is hereby repealed:

[10.80. Examination of Finance Disclosure Statement - a. Each member who is notified by the Speaker or the Committee on Rules, Privileges and Elections that he or she is being considered for the position of committee chairperson or party officer of the majority party shall, within ten days of such notification, provide a copy of his or her most recent financial disclosure statement filed pursuant to Administrative Code section 12-110 to the Committee on Rules, Privileges and Elections and to the Speaker.

b. The Speaker, Majority Leader and Minority Leader shall, within ten days after election to such post, provide a copy of his or her most recent financial disclosure statement filed pursuant to Administrative Code section 12-110 to the Committee on Rules, Privileges and Elections.

c. Each member who is notified by the Minority Leader that he or she is being considered for the position of party officer of the minority party shall, within ten days of such notification, provide a copy of his or her most recent financial disclosure statement filed pursuant to Administrative Code section 12-110 to the Committee on Rules, Privileges and Elections and to the Minority Leader.

d. A member who is elected or appointed to any position described in subdivision a hereof shall provide a copy of his or her financial

disclosure statement filed pursuant to Administrative Code section 12-110 no later than the tenth day of May in each year the member holds such position to the Committee on Rules, Privileges and Elections and the Speaker. A member who is elected to any position described in subdivision b hereof shall provide a copy of such financial disclosure statement no later than the tenth day of May in each year the member holds such position to the Committee on Rules, Privileges and Elections. A member who is appointed to any position described in subdivision c hereof shall provide a copy of such financial disclosure statement no later than the tenth day of May in each year the member holds such position to the Committee on Rules, Privileges and Elections and the Minority Leader.

e. A member who is being considered for election or appointment, or who is elected or appointed to any position described in subdivisions a, b or c hereof, shall affix to the financial disclosure statement provided hereunder a signed statement certifying the following:

(i) That he or she has filed all applicable federal, state and local tax returns pertaining to the three preceding calendar years or, if he or she has not so filed, that he or she has obtained extensions of time in which to file and if so, the dates of their expiration;

(ii) That he or she has no applicable unpaid federal, state or local tax liability for any preceding year or, if he or she has such unpaid tax liability, the circumstances and the reasons therefor;

(iii) That he or she is a resident of the City of New York and of the district from which he or she is elected, if applicable; and

(iv) That he or she has no business dealings with the City or, if he or she has such business dealings, the nature and extent thereof. The term "business dealings" shall have the same meaning as that contained in Chapter 68 of the Charter.

f. For purposes of this rule, information reported on the financial disclosure statement with respect to any financial interests of a member's spouse or unemancipated child in which the member has no financial interest shall be withheld from the Committee on Rules, Privileges and Elections and the Speaker as an unwarranted invasion of privacy.]