

*The following is the text of the newly adopted 2006-2009 Rules of the Council:*

## **RULES OF THE COUNCIL**

### **CHAPTER I MEETINGS OF THE COUNCIL**

**1.00. Stated, Special** - The Council shall hold no less than two stated meetings a month, unless otherwise ordered, except during the months of July and August. Such meetings shall be called by the Speaker. The first meeting in each year shall be the Charter Meeting, and shall be held on the first Wednesday after the first Monday of January at noon.

The Council may adjourn to a day other than that of a stated meeting and notice thereof shall be given to each member and the public by the Legislative Document Division at least 24 hours before the set time.

Notice of such adjournment shall be given to the news media and shall be posted in a public location at City Hall.

A list of all items to be considered as a General Order by the Council at the stated or special meeting, together with copies of all such items, including memoranda in support or in opposition, if any, except for those items acted on by a committee convened on the day of or preceding a meeting of the Council, in which case copies of such items shall be made available as soon as practicable, and a list of titles of all proposed local laws and resolutions to be introduced at such meeting, where practicable, shall be provided to each member at least 36 hours prior to the call of all meetings.

### **CHAPTER II SPEAKER: AND OTHER OFFICERS**

**2.00. Speaker; other Officers** -The Council shall elect from among its members a Speaker, and such other officers as it deems appropriate. During absences, the Speaker may designate, in writing, any member to perform the duties of the Speaker for that legislative day.

**2.10. Agenda** - The Speaker shall compile an agenda for each stated, charter and special meeting of the Council and shall provide each member with a copy thereof. The

agenda shall include all vetoes, messages from the Mayor or other City, county and borough officials, departments and agencies, other petitions and communications, and reports of subcommittees, special and standing committees. All matters which have been considered by a committee and reported out favorably or with amendments shall be listed in a section devoted to General Orders. A list of introductions of local laws and resolutions submitted for consideration to the Council and referred to a committee at such meeting, where practicable, shall be annexed.

General Orders are those proposed local laws, resolutions or other items of unfinished business requiring no further action by the Council, except to vote thereon. In the event any matters on the General Order Calendar of a particular meeting are not acted upon, they shall be continued on the agenda at the next meeting, and each succeeding meeting until final action is taken.

**2.20. Council Chamber** - The use of the Council Chamber, Council Committee Room and all other space used for the purpose of conducting Council business shall be within the jurisdiction of the Speaker, unless otherwise ordered by the Council.

**2.30. Committee of the Whole** - The Speaker may, at any time, convene the Committee of the Whole and shall provide each member and the public with notice of such meeting together with a schedule of those items to be considered as far in advance of such meeting as is practicable. When the Council convenes as a Committee of the Whole, the Speaker shall be chairperson of such Committee.

Notice of such meeting shall be given to the news media and shall be posted in a public location at City Hall.

**2.40. Personnel and Fiscal Reports** - The Speaker shall provide to each member an annual report detailing the names of all individuals receiving compensation for work performed for the Council, its members or any of its committees, the amount of such compensation, and a title and job description (including identification of the function or division of the Council to which the individual is assigned). Each report shall also set forth the amount of allowance in lieu of expenses received by each Committee chairperson.

The Speaker shall publish quarterly accountings of the Council's actual and planned expenditures, sufficiently detailed to indicate the positions and purposes which have been funded as well as the activities and categories of materials and supplies purchased. Such accountings shall be accompanied by a summary description specifying, at a minimum, the amounts devoted to the following functions and divisions of the Council: the finance division; the land use division; the infrastructure division; the human services division; the investigations and oversight division; the legal division; the Council press office; each committee; the Sergeant at Arms and other security functions; and the Speaker's staff, including all amounts paid to all consultants as well as the functions of such consultants.

**2.50. Proposed Council Budget** - The Speaker shall provide to members copies of the proposed budget of the Council for the following year as soon as practicable.

**2.60. Council Members' Operating Expenses** – The amounts allocated in the Council budget for the operation of individual members' offices shall be the same for each member. The Speaker may not reduce such amount for any member unless all members are subject to the same reduction. The Speaker may not supplement the amount available to any member through direct or indirect payment, provided that the Speaker may, with notice to all members, supplement the amount available to an individual Councilmember in cases of special need. It is the intent of the body that the total amount allocated for the operation of individual members' offices shall be reasonable in proportion to the amount allocated for central staff.

### CHAPTER III PRESIDING OFFICER

**3.00. Who Presides** – a. The Speaker shall be the presiding officer of the Council and may at his or her discretion designate an Acting President Pro Tempore who shall chair all stated, charter and special meetings. The Speaker shall call the Council to order and the Acting President Pro Tempore, except in the absence of a quorum, shall proceed to business in the manner prescribed by these Rules.

Only in the event the Speaker is no longer a member of the Council, the City Clerk shall act as the presiding officer for the Charter meeting of a new session. The City Clerk shall call the meeting to order, read into the record communications, including the certification of newly elected members from the Board of Elections, call the roll, seek nominations for Speaker and manage any debate thereon, close nominations, call for a vote on such nominations and announce the new Speaker. Once elected, the new Speaker shall become the presiding officer.

**3.10. Order, Decorum** - The presiding officer shall preserve order and decorum. In the event of disturbance or disorderly conduct in the Chamber, lobby or gallery, the presiding officer may cause the same to be cleared.

**3.15. Prohibition on the Use of Mobile Telephones** - The Council prohibits the use of all mobile telephones during the course of Stated Meetings. The presiding officer shall enforce this Rule by directing that all mobile telephones be silenced or placed on vibrate at the start of the Stated Meeting and that they not be in use on the floor until the conclusion of the meeting.

**3.20. Call of Members to Order** - Members, when called to order by the presiding officer, shall thereupon take their seats and the presiding officer's ruling that a member is out of order shall be subject only to the right of appeal.

**3.30. Appeals** - Any member may appeal to the Council from a ruling of the presiding officer and the member making the appeal may briefly state the reason for same, and the presiding officer may briefly explain such ruling. There shall be no debate or explanation of voting on the appeal and no other member shall participate in the discussion except for the Majority Leader and Minority Leader, or the designee of each. The presiding officer shall then ask the question, "Shall the decision of the presiding officer be sustained?", and if a majority of the members present vote in the affirmative, the decision of the presiding officer shall be sustained; otherwise the decision of the presiding officer shall be overruled.

#### **CHAPTER IV MAJORITY AND MINORITY LEADERS**

**4.00. Majority Leader** - The Majority Leader shall be a member of the political party with the greatest number of members in the Council. During absences, the Majority Leader shall designate, in writing, any member of the majority party to perform the duties of the Majority Leader for that legislative day.

**4.10. Minority Leader** - The Minority Leader shall be chosen by the members of the Council of the political party with the greatest number of members in the Council after the majority party. During absences, the Minority Leader shall designate, in writing, any member of such minority party to perform the duties of the Minority Leader for that legislative day. The Minority Leader may appoint such party officers as he or she deems appropriate.

#### **CHAPTER V CLERK AND STAFF - DUTIES**

**5.00. Minutes** - The Legislative Document Division shall prepare and cause to be printed minutes containing the proceedings of each meeting and accurate records of the members actually in attendance. All papers submitted shall constitute a part of the proceedings of each meeting.

**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.

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 at the Office of the City Clerk, Clerk of the Council, free of charge within sixty days of such meeting. Copies of transcripts requested shall be provided to the public by the Clerk of the Council at a reasonable fee to cover the cost of copying and, if necessary, mailing.

**5.20. Calendars; Contents** - The Legislative Document Unit shall prepare and cause to be printed for the first stated meeting of each month a cumulative list of all proposed local laws, resolutions and other matters submitted for consideration to the Council and referred to a committee, which shall be known as the Calendar. The Calendar shall also include a list of all proposed local laws and resolutions sponsored by each Council Member, with a notation indicating whether such member is a prime sponsor of each such item. The Calendar shall be indexed by subject area and shall indicate the date of introduction and any committee action taken on proposed local laws and resolutions. The Calendar shall also include all local laws and resolutions passed by the Council during the current session. The Calendar shall be made available to the public as practicable.

**5.30. Certification** - The certificate of the Clerk of the Council shall be attached to every proposed local law or resolution to the effect that the same has been duly passed by a vote, as required by the provisions of the Charter of the City of New York. The Legislative Document Division shall transmit the proposed local law or resolution to the Mayor.

**5.40. Records** - The Legislative Document Division shall keep index records convenient for reference of all local laws, resolutions, communications, petitions and other matters introduced in or presented by the Council, together with a complete chronological record of all action taken thereon by the Council or any of its committees. Such records shall be made available to the public during regular business hours.

**5.50. Rules and Charter** - The Legislative Document Division shall furnish to each member a copy of the Rules of the Council as prepared and printed under the direction and supervision of the Committee on Rules, Privileges and Elections and a copy of "Robert's Rules of Order, Newly Revised", and the City Charter.

**5.60. Assignment of Sergeant-at-Arms** - The Speaker shall assign to the Sergeant-at-Arms and Assistant Sergeant-at-Arms, their respective duties and stations except as otherwise provided in these Rules.

**5.70. Sergeants-at-Arms; Absence of Quorum** - If a number less than a quorum shall convene, the presiding officer may send the Sergeants-at-Arms for the absent members.

**5.80. Sergeants-at-Arms; Duties** - The Sergeants-at-Arms shall be in constant attendance at all sessions of the Council, and, under the direction of the presiding officer, shall aid in enforcing order on the floor, in the gallery, in the lobbies and in the rooms

adjoining the Chamber, and also see that no person remains on the floor, unless entitled to the privileges of the same. They shall also place on the desks of the President and other members, before each meeting, the journals containing the Proceedings of the Council, the calendars and agendas provided for in these Rules, papers and the proposed local laws and resolutions.

**5.90. Transmittal to Clerk** - The Legislative Document Unit shall furnish to the Clerk of the Council copies of all agendas, calendars, adopted local laws and resolutions.

**5.110. Legislative Tracking** - The Office of the Speaker shall make available on the internet for use by the public a legislative tracking database containing the number, text and status of all proposed local laws and resolutions, committee reports and voting records of members as soon as practicable.

## **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 days, excluding Sundays, 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.

Every other paper shall be endorsed with a short statement of its subject matter. All proposed local laws and resolutions are to be assigned a chronological introduction or resolution number and shall appear on the agenda in alphabetical order according to the name of the first-named prime sponsor, except that the Speaker's name shall appear first. If amended, the number of the proposed local law or resolution shall be followed by a designation beginning with the letter A.

**6.10. Local Laws; How Prepared** - A local law amending or repealing any existing law shall contain in brackets the part repealed and the new part to be inserted shall be underscored. When any such local law is printed in the Minutes, the part repealed shall be in brackets and the new part shall be in italics instead of being underscored. All local laws presented, whether new or of an amendatory nature, shall state specifically the section of the law to be added, amended or repealed.

**6.20. Sponsors** - a. The first-named sponsors on all proposed local laws and resolutions shall be deemed to be the prime sponsors. In the event the Speaker of the Council is not a prime sponsor, the name of such officer shall appear in the sequence in which such officer requested to be added as a co-sponsor.

The names of all co-sponsors shall appear after the last-named prime sponsor and shall be separated from the last-named prime sponsor by a semi-colon and the word "also".

b. The first-named prime sponsor's approval shall not be necessary before the names of any co-prime sponsors may be added to proposed local laws or resolutions. However, approval shall be necessary where the first-named prime sponsor has so indicated. In either event, a member may add his or her name as a co-sponsor within 48 hours after the introduction of a proposed local law or resolution.

c. Certain legislative matters, as designated by the Speaker, may be introduced under the sponsor name, "by the Rules, Privileges and Elections Committee". Legislative matters sponsored under such process shall continue to be assigned to the appropriate committee for its consideration.

**6.30. Papers Referred to Committee; Change of Reference** - Every proposed local law or resolution introduced shall, upon its introduction, be referred by the Speaker to a committee to consider and report thereon. The Speaker may also refer proposed local laws or resolutions to two committees for their joint consideration. When a matter is jointly referred, each committee shall vote separately on the matter and an affirmative vote of both committees shall be required in order to report such matter to the full Council. At any time prior to the first meeting of such committee to consider such proposed local law or resolution, such reference may be changed by the Speaker. The prime sponsor may, at any time prior to the first meeting of such committee to consider such proposed local law or resolution, petition the Speaker to change the committee to which the matter has been referred.

**6.40. Type of Enactment** - a. All enactments shall be by local law or resolution.

b. The introduction of all proposed local laws shall be accompanied by a memorandum in support which shall include a brief explanation of the intent of the proposed local law.

**6.50. Fiscal Impact Statements** - No proposed local law or budget modification shall be voted on by a Council committee or the Council unless it is accompanied, on a separate form, by a fiscal impact statement prepared by the Finance Division of the Council. Any proposed local law or budget modification with a fiscal impact statement indicating a fiscal impact may be referred by the Speaker to the Committee on Finance following approval by the committee to which such matter was originally referred.

**6.60. Legislative Drafting Services** - The Speaker shall ensure that the Council central staff provides legislative drafting services to all members on an equitable and confidential basis. Confidentiality precludes Council central staff from refusing to provide legislative drafting services to any member on the basis that similar legislation is currently being drafted. Members shall submit all proposed local laws and resolutions

and proposals for laws and resolutions to such unit prior to introduction; provided that any proposed local law or resolution submitted by any member to the Speaker's office in conformance with the rules of this chapter shall be deemed to have been approved by the legislative drafting unit. Central staff, to the extent practicable, shall respond to requests for legislation in the order in which they were received.

## **CHAPTER VII COMMITTEES**

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, Business Integrity Commission.

**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 Small 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, 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 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, and Emergency Management Department (OEM).

**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.

**7.10. Ex-Officio Members** - The Public Advocate, Speaker, Majority Leader and Minority Leader shall be ex-officio members of all committees.

**7.20. Chairperson; Committee Members** - The first-named member of each committee shall be the chairperson and each committee member shall thereafter be listed in order of their seniority within the dominant political party. All vacancies in committees shall be filled within sixty days and committee chairs shall be filled within ninety days by report of the Committee on Rules, Privileges and Elections and adopted by the Council.

**7.30. Duties** - Pursuant to Section 29 of the City Charter, the appropriate committees shall perform legislative oversight of functions on a regular basis, including but not limited to review of agency policies, programs and management, making recommendations to the Finance Committee on agency budget requests, formulating an agenda for inquiry and investigation, holding hearings and meetings on pending legislation and developing legislative programs. Each standing committee shall hold oversight hearings on the Mayor's Management Report with respect to those agencies within the committee's jurisdiction.

**7.40. Staff** - Each standing committee shall have at least one full-time staff person assigned to it, as practicable. The senior staff person assigned to each committee shall be designated by the chairperson of such committee.

**7.50. Meetings** - a. All committee meetings shall be held at the call of the chairperson of the committee. The majority of any committee may petition, in writing, the chairperson of said committee to call a meeting to consider the subject matter of such petition. If the chairperson of said committee fails to call such meeting within ten days from the receipt of said petition, said majority may petition, in writing, the Speaker, who shall issue such call.

b. No committee meeting shall be convened on the day of a stated or special meeting of the Council unless the item to be considered by such committee, will, out of necessity, be proposed as a General Order for that day or such committee meeting is called with the consent of two-thirds of the members of such committee.

c. Each standing 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. Subcommittees or special committees shall meet as needed to complete their work.

d. Committees shall provide reasonable advance notice of committee meetings to the public. Such notice shall be given to the news media and shall be posted in a public location at City Hall.

e. Written agendas for committee meetings shall be prepared and distributed, as complete as practicable, to all members of the committee at least five days prior to the call of such meeting.

**7.60. Public Hearings** - A committee chairperson may call public hearings on any matter referred to such committee, and at such public hearing shall maintain decorum. The chairperson shall have general control over the Chamber, lobbies, rooms and corridors in that part of the building assigned to the committee. The chairperson may allow public testimony on any item being considered by the committee at that hearing.

**7.65. Prohibition on the Use of Mobile Telephones** - The Council prohibits the use of all mobile telephones during the course of committee meetings. The committee

chairperson shall enforce this Rule during the course of committee hearings by directing that all mobile telephones be silenced or placed on vibrate at the start of such committee meeting, and that they not be in use during the meeting until its conclusion.

**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 that the Committee on Standards and Ethics shall be authorized to record its vote while in executive session to consider a disciplinary matter pursuant to the provisions of section 105 of the Public Officers Law. Except for a voice vote as authorized by Rule 8.50 b., 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 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 maybe 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.

**7.80. Reports of the Council Committees** - Each committee shall report, in writing, on all matters that receive a hearing before it, with a brief statement of facts and its opinion in relation thereto, proposing the necessary action by the Council, except that a report of the Committee on Standards and Ethics on a disciplinary matter regarding a particular person shall also contain the findings of fact reached after conducting a review or hearing and upon which the Committee bases its recommendations. The report itself shall not be subject to amendment.

Every report shall state the time when the subject matter of such report was referred to the committee by the Council, and the action, if any, taken by the committee pursuant to any instructions of the Council.

When a majority of a committee has reported to the Council its recommendation concerning a proposed local law, resolution or other matter, any member or members who have voted in the minority may present a minority report. All such majority and minority reports shall be in writing and signed by the members of the committee voting either in favor of or against the report as the case may be. The minority report shall not be deemed to reflect the legislative intention of the committee or the Council.

**7.90. Committee Action** - A committee may recommend to the full Council the passage, adoption, approval or filing of any proposed local law or resolution or any other matter referred to it for consideration. The question of the action to be taken by the committee shall be put by the chairperson upon motion of any member, which motion shall not require a second. If a majority of the members of the committee vote affirmatively, such proposed local law, resolution or other matter shall be reported forthwith to the Council. If a majority of the members of the committee vote negatively on such question, such proposed local law, resolution or other matter shall be continued on the committee calendar until disposed of. If the committee recommends that a matter be filed, upon an affirmative vote by the Council to file, the matter shall be removed from the Council Calendar. The vote on all matters before the committee shall be recorded in the minutes of the committee meeting and made available to the public. Members may submit to the committee a written explanation of their absence from such vote, which shall become part of the record of that committee meeting during which the vote was taken.

**7.100. Sponsor's Privilege** - The first-named sponsor of a proposed local law or resolution referred to a standing committee may, at least 60 days after introduction, petition the chairperson to schedule a committee meeting to consider such proposed local law or resolution. A meeting shall then be scheduled within 60 days of such petition for the purpose of determining future action. At such meeting, the sponsor shall be the first heard in support of such proposed local law or resolution. The committee shall either vote thereon or schedule a hearing to be held within 30 days, at which hearing a vote shall be taken if the sponsor so requests. If a proposed local law or resolution is reported favorably by a committee and the Council does not, within 45 calendar days of such report, vote on a motion to adopt, lay upon the table, postpone, refer or recommit such proposed local law or resolution, it shall be in order at any stated Council meeting occurring after the expiration of the 45-day period for the sponsor of such proposed local law or resolution to move for immediate consideration of such proposed local law or resolution.

**7.110. Rights of Ex-Officio Members** - Ex- Officio members of committees may ask questions and make statements, but shall not have the right to vote.

**7.120. Participation at Committee Meetings** - Committee members may question witnesses, vote, make statements and otherwise participate in the work of a committee as a matter of right. Such Council staff as may be designated by the chairperson may also question witnesses. Non-committee members may question witnesses and make statements at committee meetings, except that, while in executive session considering a disciplinary matter, the Committee on Standards and Ethics shall limit attendance and participation to Committee members, the subject of such matter, witnesses, and certain designated Council staff only.

**7.130. Discharge of Committee** - A committee may be discharged from further consideration of any matter referred to such committee, by a majority vote of the Council. The first sponsor of a proposed local law or resolution shall give written notice at least seven business days in advance, to the committee chairperson and the Speaker of the intention to so move at the next Council meeting. Such notice shall be accompanied by a

memorandum in support of the motion to discharge, which shall be signed by at least nine members, including the first sponsor.

No proposed local law or resolution that has been approved by the Council for discharge from committee shall be voted upon at the same meeting at which the vote on the motion to discharge occurred. In the event that any amendment to a proposed local law or resolution is adopted, the proposed local law or resolution shall be referred back to the committee from which it was discharged.

Once a matter has been referred to a committee, it shall not be acted upon by the Council until the committee has reported thereon or has been discharged. Notwithstanding the foregoing, a committee to which there has been referred any matter which, by law, must be considered and acted upon by the Council within a fixed period of time, shall, at the last stated meeting of the Council preceding the expiration of such time, be deemed to be discharged from further consideration thereof. A committee which has been instructed to report at a certain meeting shall be deemed to be discharged from further consideration of the matter referred to it, unless it makes a report at such meeting or receives from the Council a further extension of time to report.

**7.140. Committee Rules** - The Rules of the Council, as far as applicable, shall govern all committees of the Council.

**7.150. Subpoenas** - The chairperson of a standing committee, upon majority vote of said committee, or the Speaker, may sign a subpoena requiring a person to appear before the committee to be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee or requiring the production of books, accounts, papers and other evidence relative to the inquiry. The Speaker may sign a subpoena on behalf of a select committee or legislative panel. In the case of a subcommittee, the chairperson of the standing committee of which the subcommittee forms a part, upon majority vote of said standing committee, or the Speaker, may sign a subpoena.

**7.160. Allowances** - Allowances to committee chairpersons and other officers of the Council shall be fixed by resolution, after a hearing, for the particular and additional services and duties of such positions. No member may simultaneously receive more than one chairperson allowance, notwithstanding the fact that he or she may concurrently chair more than one committee or subcommittee. Nothing in this rule shall prohibit additional allowances for other than chairperson positions.

**7.170. Executive Session** - Each committee may meet in executive session pursuant to the New York State Open Meetings Law.

**CHAPTER VIII**  
**STATED MEETINGS - PROCEDURE**

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

1. Roll Call
2. Invocation
3. Adoption of the minutes
4. Messages and Papers from the Mayor
5. Communications from City, County and Borough Offices
6. Presentation of petitions and communications
7. Land Use Call-Ups
8. Communications from the Speaker
9. Discussion of general orders
10. Reports of special committees
11. Reports of standing committees
12. General orders and other pending matters
13. Introduction of local laws and resolutions
14. Discussion of resolutions
15. Resolutions
16. General discussion
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.

**8.10. Home Rule Requests; How Presented** - Any resolution presented to the Council calling upon the legislature of the State of New York to pass a specific bill pending before such legislature shall be filed with the Legislative Document Division together with fifty copies of the State bill.

**8.20. Admission to Floor of Council Chamber** - No person shall be admitted to the floor of the Council Chamber during the sessions except:

- a. The Mayor or the Deputy Mayors.
- b. The employees of the Council and the Clerk of the Council and his or her employees as are required by the Council to assist in the performance of its functions.

Heads of City departments and agencies, when their presence is requested or required by the Council.

- d. Reporters of public newspapers in the section of the Chamber assigned for their use.
- e. Such other persons as may by resolution of the Council be authorized to be present, or may by regulations be granted the courtesy of admission to the floor.

**8.30. Order of Calling the Roll** - The roll call of the Council shall be in alphabetical order, then the Minority Leader, Majority Leader and the Speaker.

**8.40. Voting** - a. All votes cast at stated, charter and special meetings of the Council shall be in person. When hearing their names called, Members may pass their voting turn for up to two times, but must have their vote recorded when called a third time.

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.

**8.50. Consideration of Resolutions** - 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.



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.

**8.60. Presence of Quorum; Member Silent on Roll Call** - Whenever any member raises the question as to the presence of a quorum, the presiding officer shall forthwith direct the Legislative Document Division to call the roll, and shall announce the result, and such proceedings shall be without debate; but no member, while speaking, shall be interrupted by raising the question of absence of quorum, and such question shall not be raised more than once every hour, unless the absence of a quorum be disclosed upon a roll call. Whenever, upon a roll call, any member present refuses to make an affirmative response, it shall be the duty of the presiding officer, either upon said officer's own motion or upon the suggestion of any member of the Council, to request the member so remaining silent to respond as "present", and if such member fails to do so, the fact of such request and the refusal shall be entered in the minutes and such member shall be counted as present for the purpose of constituting a quorum.

A majority of all Council Members shall constitute a quorum.

**8.70. Call of the Council** - For the purpose of securing the attendance of members, a call of the Council may be ordered at any time, except that no such call shall be in order when the voting on any question has begun unless it shall appear upon an actual count by the presiding officer that a quorum is not present. If demanded by two members, the roll call shall be called upon a demand for a call of the Council, and if a majority be recorded in the negative, a call of the Council shall not again be in order except by unanimous consent until an hour has elapsed.

**CHAPTER IX  
GENERAL PROCEDURE FOR STATED MEETINGS  
AND COMMITTEE HEARINGS AND MEETINGS**

**9.00. Absent Members; Opportunity to Indicate Position on Roll Call** - Any member may submit to the Legislative Document Division a written explanation of his or her absence from a stated meeting which shall become part of the record of such meeting. Any member absent from a particular meeting or part thereof who wishes to have indicated in the record a position on a specific issue may do so by communicating the wish to the Legislative Document Division prior to the announcement of the result of such vote. Such indication in the record shall not be deemed a vote but shall become part of the proceedings.

**9.10. Local Laws Disapproved by the Mayor** - Proposed local laws returned with the disapproval of the Mayor shall be referred to committee by the Speaker. The Legislative Document Division shall enter the objections of the Mayor thereto in the minutes of the Council.

A majority vote of the committee is necessary to report the matter favorably to the Council, and the Council shall then proceed to consider the question, "Shall the bill pass, the objection of the Mayor notwithstanding?"

**9.20. Precedence of Motions** - When a question is before the Council, only the following motions shall be received, which shall have precedence in the following order:

- (1) for adjournment;
- (2) for a recess;
- (3) for a quorum call of the Council;
- (4) to lay on the table;
- (5) to postpone indefinitely;
- (6) to postpone to a day certain;
- (7) to refer or recommit;
- (8) to amend;
- (9) for the previous question.

**9.30. Second Not Required** - Motions made by any member of the Council, whether at a meeting of the Council or in committee, shall not require a second.

**9.40. Motion to Amend to be in Writing** - Before any motion to amend a proposed local law or resolution is debated, it shall be reduced to writing, delivered to the Legislative Document Division and read. All motions to amend the expense or capital budgets must be in writing.

**9.50. Matters Always in Order** - A motion to adjourn, for a recess, for a quorum call of the Council, or to lay on the table, shall be decided without debate, and shall always be in order. Upon such motion, no member shall be allowed to explain a vote or give the reasons for asking to be excused from voting. No vote shall be reconsidered upon a motion to adjourn.

**9.60. Separate Questions** - Any member may request that a proposed local law, resolution or other item be separated from other general orders for consideration and vote prior to commencement of the vote on the general order calendar.

**9.70. Debate Precluded** - A motion to postpone or refer shall, until it is decided, preclude all debate on the main question.

**9.80. Vote Required** - A quorum being present, a majority of those present at a Council meeting shall be sufficient to decide a motion, including all appeals from rulings of the chair or other points of order or procedure.

**9.90. Withdrawal of Motions** - A motion may be withdrawn by the maker of said motion at any time before decision or amendment.

**9.100. Adjournment** - Except by unanimous consent, a motion to adjourn shall be put to a roll call vote.

**9.110. Motion to Amend** - A motion to amend an amendment, shall be in order, but one to amend an amendment to an amendment shall not be entertained.

An amendment modifying the intention of a motion shall be in order; but an amendment relating to a different subject shall not be in order.

On an amendment to "Strike out and insert," the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally the paragraph as it will stand if so amended shall be read.

**9.120. Members to Speak Only from Seat; Demand for Roll Call** - No member may rise to debate, make a motion or present a petition or paper unless in his or her regular place, and until such member has been recognized by the presiding officer. While a member is speaking, no other member shall create a disturbance in any manner. Once the result of a viva voce vote has been announced by the presiding officer, a roll call vote shall be ordered only upon the demand of at least two members.

**9.130. Call for Absentees** - When a roll call has been ordered, absentees shall not be called more than once, unless requested by at least five members.

**9.140. Discontinuance of Roll Call** - After two roll calls for absentees, a motion to discontinue the roll call shall be in order and may be adopted by a majority vote.

**9.150. Ten Minute Rule** - a. A member shall not speak more than once at a stated meeting on the same general question until every other member desiring to be heard upon the question has spoken. A member shall speak upon any matter for no more than ten (10) minutes at any time, except by permission of a majority of the members of the Council.

b. A member shall not speak on any matter at a stated meeting more than three (3) times, except by permission of a majority of the members of the Council.

**9.160. Two Minute Rule** - a. A member desiring to be excused from voting, or to explain a vote at a stated meeting may, when his or her name is called, make a statement for no more than two minutes, of the reasons for making such request, or for voting in such a manner, provided that if such member has engaged in debate under the ten (10) minute rule, he or she may not explain his or her vote.

b. Only one sponsor of a matter, at the time of introduction, shall have the privilege to speak thereon but he or she shall not speak for more than two minutes.

**9.170. Reconsideration of a Question** - When a question has been decided, it shall be in order for any member of the Council who voted in the majority, to move for its reconsideration, and it shall be reconsidered upon majority vote of all members present and voting, except that no matter shall be reconsidered more than twice. No motion for the reconsideration of any vote shall be in order after the proposed local law, resolution, message, report, amendment or motion upon which the vote was taken shall have gone out of possession of the Council; and no motion for reconsideration shall be in order unless made on the same day on which the vote was taken, at the stated meeting next succeeding, or if the Mayor has disapproved a local law, within thirty days after the Clerk of the Council has presented the Mayor's written objections to the Council pursuant to subdivision b of section 37 of the Charter. When a proposed local law or resolution shall have been recalled from the Mayor by the Council, a motion for reconsideration may be made by any member who voted in the majority on the original question or the matter may be referred to committee by the Speaker.

**9.180. Debate** - The chairperson of the committee reporting, or his or her designee, shall have the option to open debate. Upon the announcement by the presiding officer that debate is closed, the Minority Leader, or his or her designee, shall be the next to the last speaker and close debate for the minority party; the Majority Leader, or his or her designee, shall close debate for the majority party, and shall be the last speaker on any issue.

**9.190. Questions of Priority** - All questions relating to the priority of business shall be decided without debate.

**9.200. Personal Privilege** - The right of a member to address the Council on a question of personal privilege shall be limited to cases in which the member's integrity, character or motives are assailed, questioned or impugned.

**9.210. Discussion of General Orders** - Any member, when recognized by the presiding officer, may speak on any matter on the general order calendar during the period of discussion of general orders. Such member may speak for no more than a total of two (2) minutes unless permission to extend the time is granted by a majority of the members of the Council present.

**9.220. General Discussion** - Any member, when recognized by the presiding officer, may speak on any issue during the period of general discussion. Such member may speak for no more than a total of two (2) minutes unless permission to extend the time is granted by a majority of the members of the Council present.

**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.

**9.230. Extension of Remarks into the Council Record** - Members may enter written materials or prepared statements of no more than five (5) pages into the official record of a stated meeting during the period of extension of remarks. At such meeting, copies of such materials or statements shall be provided by such member to all other members and to the presiding officer. Such materials and statements shall become part of the official record of the stated meeting without being read into the record. All such supplemental written materials and prepared statements shall be printed in the official record of the meeting under the caption "Extension of Remarks into the Council Record."

## CHAPTER X GENERAL RULES

**10.00. When Papers shall be Read** - When the reading of a paper, other than a petition, is called for, and the same is objected to by any member, the question whether the paper shall be read shall be determined by a majority vote without debate.

**10.10. Automatic Removal from Consideration** - When a Council Member, for any reason whatsoever, ceases to be a member of the Council, all pending proposed local laws and resolutions individually sponsored by such member, and all pending Mayor's vetoes after the expiration of the legal time limit within which the Council must act, shall automatically be filed, marked off the calendar and removed from any consideration by the committee to which it had been referred. The Legislative Document Unit shall prepare a list of the identifying introduction or resolution numbers for such

automatic filing, which list shall appear in the minutes under the heading "Communications from City, county and borough offices."

**10.20. Amendment or Suspension of Rules** - When recommended by the Committee on Rules, Privileges and Elections, a Rule of the Council may be amended, suspended or rescinded or a new rule added by the majority vote of all the Council Members. However, any Council Member may move to suspend, amend or rescind any rule or to add a new rule, but such motion shall not be in order without the unanimous vote of the Council, unless written notice has been given to each member specifying the purpose of the proposed suspension, amendment, rescission or addition, at least one week in advance, in which case a majority vote shall prevail.

**10.30. Absence or Violation of Rules** - In all cases of absence of members during the session of the Council, or of the violation of any of these rules, the members present may censure or suspend the offending member, in such manner or for such period as they deem just.

**10.40. Television Coverage** - The Council and its committees shall make their public meetings and hearings available for cablecasting and broadcasting.

**10.50. Application of "Robert's Rules of Order, Newly Revised"** - The rules of parliamentary procedure contained in "Robert's Rules of Order, Newly Revised" shall govern the Council in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the Council.

**10.60. Nominations, Appointments, Designations, Recommendations: Meetings** - Any committee which schedules a meeting for the purpose of considering the nomination, appointment, designation or recommendation of any individual pursuant to power vested in the Council shall, in its announcement of such meeting, invite the public to be heard with respect to the qualifications of any such individual.

**10.70. Conflicts of Interest** - All Council Members shall comply with the conflicts of interest provisions of Chapter 68 of the City Charter.

## 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. The Land Use Committee shall have the following subcommittees: (i) Zoning and Franchises; (ii) Planning Dispositions and Concessions; (iii) Landmarks, Public Sitings and Maritime Uses; and (iv) such others as shall be determined by the Speaker. The Speaker shall determine the jurisdiction of the

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. The Speaker shall appoint the chairs of the subcommittees. The chair of the committee or a subcommittee may appoint a member of the committee or subcommittee as the case may be, to act as a temporary chair to conduct a meeting in the chair's absence.

c. 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. 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.

e. Each subcommittee shall consider 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. 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. All matters subject to review by the Council pursuant to chapters 8, 14, 29 and 74 of the City Charter 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. A resolution providing for Council review of a matter pursuant to section 197-d(b)(3) of the City Charter 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 seven Council Members or if, pursuant to subdivision c of this section, the resolution is introduced by the chair. 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, the matter that is the subject of the resolution shall be considered by the Land Use Committee and its subcommittees.

c. 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.

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. 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 Council meeting following 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 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.** 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 delivered to each Council Member, shall be made available to the public free of charge at City Hall, and shall be mailed to each borough president, each community board and a main branch of the public library in each borough. 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 bar the committee and its subcommittees from 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. 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. 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. Public notice of 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 in a public location at City Hall at least seventy-two hours before such meeting. 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 in a public location at City Hall at a reasonable time prior thereto. 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.

**11.40. Public Hearings** - a. Each subcommittee shall hold on behalf of the Council all public hearings required by law with respect to matters referred to the subcommittee. 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. Each person filling out an appearance form at a public hearing required pursuant to section 197-d of the City Charter shall be given the opportunity to speak. The 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. 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 197-d(a), 704(g) and 3020(8) of the City Charter shall either be given to Council Members or made available to Council Members on an ongoing basis. The record, any 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.** 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 ex-officio members.

b. 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 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; provided, however, that the provisions of this sentence shall not apply to those matters that are 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 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 of the intention to move at the next Council meeting for the discharge of any such matter. 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. Upon discharge from the Land Use Committee, the Council may close the record of the public hearing on the matter 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 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 a 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 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 and 74 of the City Charter.

**11.90. 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 falls on a Saturday, Sunday or legal holiday, the expiration date shall be deemed extended until the next working day.

**11.100. 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, this chapter XI shall govern with respect to the Land Use Committee and its subcommittees.