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**COMMITTEE REPORT OF THE**

**COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS**

**Hon. Karen Koslowitz, Chair**

**April 9, 2019**

## **Preconsidered Res. No. 841**

## **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 of a certain subcommittee and have its jurisdiction divided among the remaining Land Use subcommittees.**

**ANALYSIS**: Before the Committee, for its consideration, are proposed changes to the Rules of the Council.

Pursuant to Chapter 2 § 46 of the New York City Charter, the Council sets the rules of its proceedings at the first Stated meeting of the calendar year. These rules may be amended by a resolution introduced and passed by the Council’s Committee on Rules, Privileges and Elections (“Rules Committee”) followed by a vote of the Council body at the next Stated meeting. The Rules Committee proposes to recommend the following changes at the next Stated meeting:

**Chapter II of the Rules of the Council**

The Resolution would append Rule 2.45, which formalizes the Speaker’s prerogative to set procurement procedures for the Council. Rule 2.45 would require that the Speaker publish and distribute such procurement procedures and provide notifications of any modifications.

**Chapter VI of the Rules of the Council**

The Resolution would also modify Rule 6.00, eliminating the outmoded requirement that all papers submitted for presentation be presented in quadruplicate. Such a requirement is redundant in the age of electronic mail, which qualifies as a writing and eliminates the need for additional copies.

**Chapter VII of the Rules of the Council**

The composition of the Committee on Immigration will be modified. The modified Committee on Immigration will be comprised of the following Council Members: Chair Carlos Menchaca, Council Members Chin, Dromm, Eugene, Gjonaj, Miller and Moya.

Additional Committee membership changes will be made. See Resolution.

Also, Council Member Ben Kallos would replace Council Member Justin Brannon as Chair of the Committee on Contracts.

The Resolution would also create a new Standing Committee, the Committee on Resiliency and Waterfronts. Council Member Justin Brannan would be named Chair of the newly formed committee.

The Committee on Women will be renamed the Committee on Women and Gender Equity.

**Chapter XI of the Rules of the Council**

The Resolution would amend all subdivisions of the Rules of the Land Use Committee (“Land Use Rules”) to add headings.

The Resolution would also amend Land Use Rule 11.10 as detailed below.

Rule 11.10 subdivision a would be amended to provide that the Land Use Committee shall have a subcommittee on Zoning and Franchises, a subcommittee on Landmarks, Public Sitings and Maritime Uses and such others as determined by the Speaker. This would repeal the requirement that there be a subcommittee on Planning, Dispositions and Concessions.

Rule 11.10 subdivision b would be amended to provide that the chair of a committee or a subcommittee may appoint any member of the Council to act as a temporary chair to conduct a meeting in the chair’s absence. Currently, only a member of the committee or subcommittee may act as temporary chair.

Rule 11.10 subdivision c would relocate language related to when the chair of the Land Use Committee can vote in a subcommittee. The language would be removed from Rule 11.10 subdivision c and Rule 11.50 would be amended to add language related to this topic.

Rule 11.10 subdivision d would be amended to provide that subcommittee meetings must be scheduled in accordance with applicable laws in addition to Council Rules, because particular statutes related to land use matters may have unique notice provisions that go beyond the requirements of all Council Rules.

Rule 11.10 subdivision e would be amended for clarity and conciseness.

The Resolution would amend Rule 11.20 subdivision a to provide that in addition to other enumerated Charter provisions, matters filed with the Council pursuant to Chapter 56 of the Charter (maritime contracts within the jurisdiction of the Department of Small Business Services) and other provisions of State law shall be filed with the Speaker and referred to the applicable subcommittee of the Land Use Committee. The Resolution would repeal a provision of such subdivision that items subject to Council review pursuant to Chapter 29 of the Charter be filed with the Speaker. This reflects the fact that Chapter 29 was repealed in 1991.

The Resolution would amend Rule 11.20 subdivision b to provide that items subject to call-up, pursuant to section 197-d(b)(3) of the Charter or section 20-225 or 20-226 of the Administrative Code, would be subject to the provisions of amended subdivisions c and d.

Rule 11.20 subdivision c would specify that a call-up resolution providing for Council review of a matter pursuant to section 197-d(b)(3) of the Charter or section 20-225 or 20-226 of the Administrative Code may be introduced by the Speaker, seven council members, or the chair of the Land Use Committee. Currently, all call-up resolutions, excluding call-up resolutions sponsored by the Chair of the Land Use Committee, require sponsorship by seven Council members. By allowing the Speaker to introduce such call-up resolutions, the amendment would provide another means to assert jurisdiction over significant discretionary items that are not related to mandatory items.

Rule 11.20 subdivision c would also stipulate that a call-up resolution may be introduced from the date the City Planning Commission or the Department of Consumer Affairs votes to approve the matter or approve the matter with modifications to a date 20 days following the filing of such matter with the Council. Currently, the Council takes no action on such matters until they are filed with the Speaker. This amendment is intended to provide the Council additional time to adopt a call-up resolution before its 20-day deadline expires.

The Resolution would further amend and renumber Rule 11.20 subdivisions c and d to consolidate the rules for matters subject to call-up by the chair of the Land Use Committee.

Rule 11.20 subdivision e would be amended to reflect the statutory requirement of subdivisions f and g of section 197-d of the Charter that a resolution to override a mayoral veto must be adopted by a two-thirds vote of the Council within 10 days of the filing of such veto with the Council, not merely by the next stated meeting.

Rule 11.20 subdivision f would be repealed as redundant because amended subdivision a would include information about how to process matters filed pursuant to Article 16 of the General Municipal Law. The deadline for action established by subdivision f is unaffected to the extent such deadline is contained in State law.

The Resolution would amend Rule 11.30 subdivision a by repealing provisions that would bar a hearing or vote on a matter that is not on the calendar unless two-thirds of the members of the committee or subcommittee vote to hold such hearing or vote. The amendment would provide that failure to include a matter on the calendar is not a bar to holding a hearing on or vote with respect to such matter provided the notice requirements of applicable law and the Council Rules are satisfied. Other provisions of subdivision a would be amended for clarity and conciseness.

Rule 11.30 subdivision b would be renumbered as new subdivision c and will reflect that other provisions of applicable law and the notice requirements of other chapters of these rules will be supplemented by the requirements of this subdivision b.

The Resolution would amend Rule 11.40 subdivision b to provide that each person who submits an appearance form at a public hearing on an item referred to the Land Use Committee or its subcommittees shall be given an opportunity to speak. This amendment would clarify that the committee and its subcommittees are not obliged to take oral testimony on a matter except at a public hearing on such matter. Subdivision b would also be amended to provide that a Council Member presiding at a public hearing of the Land Use Committee or subcommittee may establish a time limit for all members of the public speaking at such hearing. This amendment would conform such subdivision with amended subdivision b of Rule 11.10, which provides that any member of the Council may serve as acting chair of the Land Use Committee or its subcommittees.

The Resolution would amend Rule 11.40 subdivision c to provide that materials filed with the Council in connection with any matter filed pursuant to Rule 11.20, as amended, in addition to all other materials in the record of such matter, shall be made available to Council Members on an ongoing basis. Currently, copies of such items must be “given” to Council Members. This amendment would codify the practice of making such materials available electronically.

The Resolution would amend Rule 11.50 subdivision a to clarify that a majority vote of the Land Use Committee or its subcommittees consists of a majority of all the members present, exclusive of ex-officio members. Currently a majority is defined as a majority of all committee members, including “absences and vacancies” and exclusive of ex-officio members. The meaning remains the same, as this is a clarification. The Resolution would also relocate a provision that 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.

The Resolution would amend section 11.60 by renumbering its subdivisions to include subdivisions a through e.

The Resolution would amend subdivision a of section 11.60 to make all matters referred to the Land Use Committee and its subcommittees subject to the automatic discharge provisions of such subdivision.  Currently office leases submitted pursuant to Section 195 of the City Charter and discretionary call-ups subject to counsel review pursuant to section 197-d(b)(3) of the City Charter are not subject to automatic discharge and are only subject to discretionary discharge.  The effect is that the full Council will have the opportunity to act on a matter before it expires.

The Resolution would amend Rule 11.60 subdivision b to provide that 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, and such statement is filed with the chair of the subcommittee or committee to which the matter was referred, the staff of the Land Use Committee, the Speaker, or the Council Member representing the affected district. Such subdivision b would provide that such statement may be submitted by e-mail. Upon the filing of such a statement, the application in question would be void, the committee and its subcommittees would be discharged from further consideration of the matter and no further processing of such application would be undertaken by the Council. Subdivision b would also provide that The Council may vote to file a matter discharged pursuant to such subdivision at any subsequent Stated meeting. Currently, when the Land Use division receives notification that an applicant is withdrawing an application, the committee and its subcommittees take no further action on the matter. However, there is nothing in the Council Rules or the Charter that provides for how such matters should be handled administratively. This amendment mirrors the rules of the City Planning Commission with respect to withdrawn applications, making clear such applications are void.

The Resolution would add a new subdivision c to Rule 11.60 that would provide that upon discharge of a matter from the Land Use Committee pursuant to such section, the record of the public hearing on such matter shall be deemed closed. Currently, Rule 11.60 provides that the Council may close the hearing of such a matter. This amendment would make the closing of the public hearing automatic.

The Resolution would repeal section 11.70 “Modifications of City Planning Commission Actions” in its entirety. This section purports to require the City Planning Commission to fully set forth reasons for finding that a modification proposed by the Council is not in scope. Because the City Planning Commission is not bound by these rules, these provisions have no effect. The remaining substance of the section is set forth in the Charter.

The Resolution would renumber Rule 11.80 as Rule 11.70 and amend such section to repeal a reference to repealed chapter 29 of the Charter and to add chapter 56 and all matters referred to the Land Use Committee and its subcommittees, pursuant to Rule 11.20, as matters subject to action by resolution. This amendment clarifies that matters subject to review of the Land Use Committee pursuant to State law are also subject to action by resolution.

The Resolution would renumber Rule 11.90 as Rule 11.80 and amend such section to provide that when the time period for Council action set forth in any applicable provision of law ends on a Saturday, Sunday or public holiday, the expiration date shall be extended until the next business day in accordance with the provisions of section 20 of the New York State General Construction Law. The purpose of this amendment is to clarify that the method for calculating Council deadlines follows state law.

The Resolution would renumber Rule 11.100 as Rule 11.90.