



## **CITIZENS UNION OF THE CITY OF NEW YORK**

### **Testimony to the Committee on Rules, Privileges and Elections of the New York City Council On Reform of the Council's Rules**

**May 7, 2014**

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Good morning, Chair Lander, and members of the Committee on Rules, Privileges and Elections. My name is Alex Camarda and I am the Director of Public Policy and Advocacy at Citizens Union. Citizens Union is a nonpartisan good government group dedicated to making democracy work for all New Yorkers. Citizens Union serves as a civic watchdog, combating corruption and fighting for political reform. We work to ensure fair and open elections, honest and efficient government, and a civically-engaged public.

**Citizens Union commends Speaker Melissa Mark-Viverito and the City Council for improving its rules as seen in the draft rules before the committee today and announced last week. We also applaud the Speaker and Chair Lander for the collaborative process to reform the rules that continues with this hearing, and the change in Council culture the Speaker has signaled—which will ultimately allow for these rules to be meaningfully implemented.**

**The spirit and letter of these draft rules will make the Council a more effective branch of government that should enable members to better represent the districts they serve. They will also give rank-and-file members a more meaningful role in the Council's legislative process and ensure needed and greater equity in the allocation of discretionary funding.**

In our testimony today, Citizens Union would like to express our support for the proposed measures, as well as suggest a few improvements. Below are the proposed measures we support.

- 1. Distributing discretionary funding more equitably by dividing allocations to members equally among members or according to a needs-based formula.**  
Based on previous funding discretionary funding levels, the speaker is giving up her authority over about 39 percent of discretionary funds, up from 2 percent for previous speakers. This will remove the politics of reward and punishment that individual members believed too often characterized the previous Council, and enable individual members to speak their minds freely, and best represent their constituents.

2. **Requiring organizations receiving discretionary funding to explain how they use the funds.** This will build upon reforms in recent years that hold accountable organizations receiving the funds to ensure taxpayer funding is spent wisely and services for which the money was allocated are actually delivered.
3. **Creating a more autonomous and transparent bill drafting process** with dedicated drafters and a database accessible to members enabling members to check the status of the bills they requested be written. Devoting more staff to bill drafting will enable members to address concerns of their constituents legislatively more quickly than has been the case in the past.
4. **Enabling committee chairs to be more clearly involved in the selection of their staff.** By approving their chair from a pool provided by the speaker, members will ensure the rapport and trust needed for effective oversight which will give them a more meaningful role in raising issues of concern to the city.
5. **Supporting the needed formation of a Quadrennial Commission** to address Council compensation including stipends (lulus). We appreciate the Council's recognition that this is an issue that needs to be addressed. We call on Mayor de Blasio to call the Commission, which is long overdue.
6. **Making funding and legislative information more transparent** through providing more detailed information about the Council's own budget and creating a Public Technology Plan to improve the legislative database.

**We believe, however, additional changes can be made to strengthen the proposed rules even further, and have done a line-by-line edit of draft rules which is attached. Below are suggested changes we would like to highlight from our line-by-line edit of the draft rules.**

If there are opportunities to improve the rules, we make the following eight recommendations, with the first three our top priorities:

1. **Require for expense and capital discretionary funding, the Council make transparent on its website 72 hours before the vote for such funding:**
  - a. **the total amounts of major pots of funds encompassing expense and capital discretionary funding;**
  - b. **which Councilmember (including the speaker) has authority over each major pot of funds;**
  - c. **any formulas used for distributing funds to Councilmembers allocating the funds or the organization in receipt of the funds (as provided by council initiatives or other means where there is not an individual sponsor listed); and**

- d. **An itemized listing of all allocations and their sponsors, if applicable (Schedule C currently lists expense funding, and capital funding should also be itemized in advance).**
2. **Create greater transparency in relation to the legislative drafting tracking database. The language in the rules should go beyond specifying a member can find out who is his or her bill drafter is and the status of his or her request. It should also:**
  - a. **Include the date the request was made;**
  - b. **Whether the drafting has taken longer than 60 days as required by current Council rules; and**
  - c. **Indicate much like at a deli counter, the number of the request in the queue and the number of requests by other members made before it.**
3. **Eliminate the provision in the supermajority bill sponsorship provision which undercuts its value by removing the need for a committee vote on a hearing on the bill if the number of members falls below 34 at any time during the 60-day period prior to a committee meeting.** The rule as drafted is administratively unwieldy and creates the perception that members were forced to reconsider their support. Requiring a vote on any bill that at any time reaches 34 members in support is a clearer trigger which will ensure members consider carefully any co-sponsorship.
4. **The Speaker should propose no more than half of the total capital funds, as is in the draft rules for expense funding.** We have not been able to discern in past years the total amount of capital funding the speaker allocates to capital projects and organizations because of the use of joint initiatives, which list several sponsors; the proportion given by each sponsor is not known.
5. **Clarify that requests in writing to co-sponsor a bill include email requests.**
6. **Require that a committee chairperson can't be removed except by a 2/3 uncoupled vote of the current Councilmembers,** rather than by "the members" which could be interpreted narrowly as those attending the stated meeting or broadly as all elected members.
7. **Require the Speaker identify in writing the committee of appropriate jurisdiction if the Speaker exercises the draft rule to deny in writing a committee chair's request for a hearing because the committee chair's committee lacks jurisdiction.** Rejecting a hearing because a committee lacks jurisdiction is appropriate but the Speaker should also strive to educate the members as to what each committee's jurisdiction is. The Speaker should therefore include her reasoning in her written response denying the hearing and specifying the committee better suited for holding the hearing.

- 8. Post machine readable documents on the Council's website to engage the public in Council proceedings.** While the rules strive to do this in many instances and establish the creation of a Public Technology Plan to examine these issues further, there are additional provisions of the rules that should be enhanced before the rules are passed. This includes codifying in the rules that discretionary funding and materials related to bills and hearings will be posted online in a machine-readable format, organizational summaries on how discretionary funding is used will be placed in the Open Data portal, and webcasting of proceedings will be made available on the Council's website. Provisions doing away with notice requirements related to the Council calendar and agendas for committees should be limited to in-person and written notices but maintain online notifications in the rules.

Thank you again for holding this hearing and allowing Citizens Union to present its view. We welcome any questions you may have.