



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

**Testimony before the City Council Committee on Rules, Privileges and Elections**

**Preconsidered Resolution T2025-4160**

**Resolution to Amend the Rules of the Council to Improve Clarity and  
Consistency with Council Practices and Precedent**

City Hall – September 22, 2025

Good morning, council members. My name is Ben Weinberg, and I am the Director of Public Policy at Citizens Union. Citizens Union is a nonpartisan good government group that works to ensure fair and open elections and accountable government in New York city and state.

Over the years, we have supported, advocated for, and helped achieve reforms to the Rules of the City Council that have made this body more democratic, open, transparent, and accountable. These include reforms that gave individual council members a more meaningful role in the legislative process, ensured greater equity in discretionary funding, improved bill drafting procedures, reduced ethics vulnerabilities (such as banning Lulus and outside income while increasing members' pay), and bolstered public participation.<sup>1</sup> We also provided an unbiased assessment of the Council's performance in the face of attempts to undermine its legislative role.<sup>2</sup> The Council's Rules are the primary vehicle for sustaining that progress and ensuring that this body is transparent, accountable, collaborative, and efficient.

The Council is now considering the most extensive package of rules changes since 2014. Most of the proposed changes are non-substantive amendments intended to clean up and better organize the Rules. One proposed change would directly improve transparency. One proposal, however, is designed only to weaken the power of the minority party. Other proposals include

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<sup>1</sup> See for example, 2012 report, Creating a More Equitable and Discretionary Funding Process in New York City ([https://citizensunion.org/wp-content/uploads/2014/04/CUReport\\_2006CouncilReform.pdf](https://citizensunion.org/wp-content/uploads/2014/04/CUReport_2006CouncilReform.pdf)); 2006 report, Principles of Council Reform: Ideas for a More Democratic and Effective City Council ([https://citizensunion.org/wp-content/uploads/2014/04/CU\\_Report\\_NYC\\_Discretionary\\_FundingFY2009-2012\\_May2012.pdf](https://citizensunion.org/wp-content/uploads/2014/04/CU_Report_NYC_Discretionary_FundingFY2009-2012_May2012.pdf)); 2014 proposal Proposing Substantial Improvements to Reforming the Council's Rules (<https://citizensunion.org/portfolio-item/1118/>)

<sup>2</sup> 2024 report, Do Public Safety Bills Receive Fewer Opportunities for Public Input in the New York City Council? <https://citizensunion.org/portfolio-item/citizens-union-report-finds-ample-opportunities-for-public-input-on-public-safety-bills-in-the-city-council/>

sensible updates intended to improve the Council's operations. Equally important are the omissions — key transparency measures that should be included in such a comprehensive overhaul of the Rules. Unlike 2014, when reforms followed a long process of public hearings and stakeholder input, this set of changes has been introduced with very little time for public review or engagement, giving the public essentially a single business day to review 44 pages of proposed changes.

### **Support for a Sponsor's Memo Requirement - Best Practice for Better Lawmaking**

Citizens Union strongly supports the proposal requiring that bills be accompanied by a sponsor's memorandum in support explaining the legislative need and that such memoranda be updated whenever a bill is amended (Proposed Rule 6.00(d)). Citizens Union and other civic groups have long recommended requiring such bill memo, which is standard practice in the State Legislature. While plain-language summaries are helpful, they are insufficient for explaining complex bills or their underlying rationale.

### **Opposition to Raising the Motion to Discharge Threshold – Targeting the Minority Party**

Citizens Union strongly opposes the proposal to raise the number of members required to move a bill to the floor when it lacks the support of the Speaker or a committee chair. Under existing Rule 7.130, seven members may bring a motion to discharge a bill out of committee to a Stated Meeting. The motion then requires a majority of the Council to succeed. Proposed Rule 8.220 increases that threshold from seven to eleven members. This change clearly targets the minority conference, which is currently at six members but could go up to seven in January after the next general election.

The logic of allowing rank-and-file members to advance legislation independently of the Speaker applies equally whether the members form a faction within the majority party or belong to the minority party. Preventing members of the minority party access to that option only hurts the voters who elected them.

The motion to discharge procedure is rarely used. The motion is filed seven days in advance and has to receive majority approval to pass. It is therefore unlikely that keeping the member threshold at seven would lead to substantial disruptions to the effectiveness of the Council. It could spur more debate on the Council floor, which is not a weakness but rather a strength of democracy. We strongly urge the Council to reject this proposed change.

### **Support For Reasonable Additions Related to Ethics, Oversight, and Operations**

The proposal makes numerous substantive changes to the Rules that codify existing practice or clarify important guidelines. These would contribute to ethics standards, transparency, and the Council's operations and oversight capacity, and should be approved. Among them are proposals that:

- Codify Conflicts of Interest Board guidance, including the prohibition on members sponsoring bills or resolutions that would award them direct or indirect benefits (proposed 6.20(e)).
- Prohibit the use of personal email addresses for the conduct of Council business (proposed 10.50). The use of personal emails may limit access through FOIL and other laws.
- Allow anonymous testimony to protect immigrants and other vulnerable individuals at risk of retaliation (proposed 7.80(g)).
- Strengthen provisions to preserve decorum and minimize major disturbances during meetings.
- Clarify how the Minority Leader is elected (Rule 4.10).
- Grant the Speaker authority to establish policies and procedures to protect health and safety during declared states of emergency (Rule 2.160).
  - We urge the Council to narrow this provision to emergencies that directly affect the Council's ability to conduct its business, so that it cannot be misused to circumvent normal rules in other emergencies. New York State and New York City are frequently under some form of emergency declaration that has no bearing on the Council. Recent examples include emergencies related to asylum seekers, baby formula shortage, Rikers Island, and more.

### **What's Missing: Greater Public Notice, Transparency Over Nominations, Safeguards on Discretionary Funding**

This extensive proposal, which includes hundreds of changes, focuses mostly on the Council's internal needs and not the needs of the public. It therefore misses opportunities for key improvements in transparency and accountability, which should be included in the next versions of this proposal. This Council has often stressed the importance of accountability safeguards, transparency measures, and strong oversight, and has even established a Charter Revision Commission solely intended to strengthen local democracy. As it embarks in the process of revising its own rules of practice, it should apply those very same principles. The way to do so is to implement the following reforms.

#### **Provide Greater Public Notice Before Legislative Actions**

Advocates have long called for stronger notice requirements that guarantee meaningful public notice and adequate time to prepare comments, beyond the current 72-hour rule for committee meetings, "where practical" (Rule 7.80(d)). The proposed rules do not make any improvements in that area, but instead make changes that preserve and codify a faulty public

notice system that is easily misused or ignored, undermining public input and participation. Specifically, the proposed rules would:

- Codify the bare minimum requirements of the New York State Open Meetings Law (OML) rather than exceed them (proposed 9.140). Unfortunately, OML provides public bodies with loopholes to avoid proper notice.
- Fail to require that an agenda or materials or notification of issues to be discussed be given in advance. It does not even codify the legal requirement that the records scheduled to be discussed at a meeting be posted online at least 24 hours before the meeting (OML § 103(e))
- For the first time, codify the practice of “preconsidered” items, which allows the Speaker to fast-track bills and resolutions through a committee hearing before they are formally introduced, with no guardrails or limits (proposed 6.30(c)). The practice undermines notice requirements and has been used in the past to advance controversial measures with little time for public input.

This very meeting illustrates this problem. The notice of the meeting went out on Wednesday, with no information on its agenda. The agenda item was a preconsidered resolution, meaning the public had no heads-up about its content, and materials were posted on Thursday afternoon, for a Monday 10:00 AM hearing.

### **Make Conference Meetings on Nominations Public**

Existing Council Rules recognize the importance of transparency in the nominations process by requiring committees to “invite the public to be heard with respect to the qualifications of” individuals considered for appointment (Rule 7.80(b)). In practice, key nomination processes are delegated to secret party conference meetings or borough delegations, with no notice, recording of attendance or votes, or webcasting.

Meetings of council members vested with power to approve appointments should be made public, just as meetings of the Rules Committee are public. This is especially true for appointments to the Board of Elections. Past Councils have livestreamed conference meetings that selected election commissioners<sup>3</sup>; this Council has handled election commissioner nominations behind closed doors, making the decision to appoint someone public only after the fact.<sup>4</sup> This lack of openness undermines confidence in appointments to critical bodies like the Board of Elections.

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<sup>3</sup> See for example, December 6, 2021 Meeting of Democratic Conference of the Council of the City of New York <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=910266&GUID=E0E7B480-57E1-437A-BF98-F9AEFB637332>; November 17, 2021 Meeting of Minority (Republican) Conference of the Council of the City of New York <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=905751&GUID=157F930E-12C5-4A4D-A2A1-F1975DFC76E1>

<sup>4</sup> See for example, January 13, 2025 letter from the New York City Majority Leader to the Kings County Clerk on the appointment of Frank R. Seddio to become a Commissioner of the New York City Board of Elections.

## **Regulate the "Speaker's List" Discretionary Funding**

Lastly, discretionary funding remains the same in structure under the proposed rules. Half of all discretionary expense dollars are allocated for a Speaker to distribute with near-total discretion over which members and districts receive this important support. These funds have at times been used unfairly against members who have opposed leadership in the past.

The disbursement of the Speaker's discretionary funding should be governed by clear criteria and goals to safeguard against its use as a form of punishment. The New Yorkers hurt by such practices are not the targeted council members but the residents of their districts.

Thank you for giving us the opportunity to address you today.

For further information, please contact Ben Weinberg, Director of Public Policy, at [bweinberg@citizensunion.org](mailto:bweinberg@citizensunion.org).