



THE COUNCIL  
OF  
THE CITY OF NEW YORK  
CITY HALL  
NEW YORK, NY 10007

**Testimony of Jeffrey Baker,  
Deputy Chief of Staff for Legislation and Policy,  
New York City Council  
to the New York City Charter Revision Commission  
July 22, 2024**

Good evening, Chairperson Scissura, Vice-Chair Dukes, and members of the Commission. I am Jeffrey Baker and I serve as Deputy Chief of Staff for Legislation and Policy for the New York City Council, a position I have held since 2022. Prior to my current position, I was the Director of the Legislative Division at the City Council for five years, and I have served at the City Council in the Legislative Division for over 18 years.

It is an honor to testify on behalf of the Speaker in her role as the leader of the City Council. Today, my comments will be focused on the City Council's legislative process.

**The Council as a Model of Openness and Transparency**

To begin, I wish to correct some misconceptions on the legislative process as outlined in this Charter Revision Commission's Preliminary Report.

The Preliminary Report, released June 25, 2024, stated that "In practice, this means that proposed legislation may go from introduction, to a public hearing, to passage by the Council in less than two weeks." While I acknowledge that it is possible to pass legislation in as little as two weeks—or even more quickly with a Message of Necessity from the Mayor—our members, unions, advocates, and other stakeholders would be shocked to learn that this is our "practice."

The reality is that the New York City Council is a highly deliberative consensus-building body that goes beyond all legal requirements for legislative process. And is a model for public engagement, openness, and transparency.

In 2023, the last full year for which legislative data is available, the Council enacted 174 Local Laws. The average time between the introduction and the adoption of those laws was 236 days (or about 8 months).

I will briefly outline the Council's actual legislative practice:

The public life of proposed legislation begins when it is introduced at a Council Stated Meeting or is heard in a committee hearing "pre-considered" immediately prior to its introduction. Once legislation (commonly known as a "bill") has been introduced, any

member of the public is free to engage with the sponsor, other members, the Speaker, and the staff from the Legislative Division, to express their support or opposition. Speaking only for the Legislative Division, it is common for stakeholders to request meetings with us to discuss legislation before it has even been heard.

All legislation passed by the Council will have at least one public hearing at which testimony from stakeholders and the public is taken. When a bill is calendared for a hearing, the Council makes best efforts to give 14-days' notice—which is far more than the 72-hours required by Council Rules. This is intended to give the Administration, stakeholders, advocates, and the public enough time to thoroughly prepare and to adjust their schedules so that they may appear.

Since 2020, the Council permits all members of the public to testify remotely via Zoom to facilitate engagement. Any member of the public is permitted to sign up through a link on the Council's web page, and except for certain budget hearings, the sign-up period remains active throughout the entire hearing, meaning that, as long as you sign up before the hearing is gavelled out, you will be permitted to speak.

Hearings are all also open to in-person participation by the public. Any person may attend an initial hearing, fill out a witness slip with a Sergeant-at-Arms, and they will be called to testify.

Additionally, the Council permits written testimony to be submitted for any hearing by any person up to 72 hours after the hearing has closed. This can be used by persons who testified to supplement the record, or by persons who were unable to attend and participate, and can even be used to refute points raised by other testimony at the hearing.

The Council does not limit public participation at initial hearings in any way, and it is common for public hearings on prominent issues to last eight or more hours. Where necessary due to the volume of testimony or technical issues that have prevented someone from testifying, the Council has adjourned and reconvened the hearing at a later date to make sure that we have heard from all persons who wish to speak.

The Council also accommodates ASL, CART, simultaneous interpretation services for audience members both in person and on Zoom, translations services for individual witness testimony, and other accommodations upon demand. Although we ask for 3 days' notice, we will honor any request made with less than 3 days' notice to the best of our ability.

By the end of the week following a hearing on any bill, Legislative Division Staff engages with the Law Department and the Mayor's Office to discuss potential legal concerns related to the bill. Staff then review the testimony submitted and will make recommendations for potential amendments.

As the legislation progresses, we stay engaged with stakeholders, frequently sharing updated drafts, and soliciting additional feedback.

For almost every bill our principal stakeholder is the Administration and its agencies. To ensure that we are getting the best possible feedback in a timely manner, we share with City Legislative Affairs our proposed legislative calendar in advance. The Council strongly believes that, even where we have differences in opinion on policy objectives, the practical operational-level feedback we get from agencies is invaluable to crafting legislation that

works for the people of New York. Over the last several years we have worked with CLA and city agencies to improve the bill negotiation process.

Prior to any bill being finalized, it is presented at least once to the Democratic Conference, at which members may voice their concerns, concerns raised by stakeholders or their constituencies—or even the Administration—and to suggest additional amendments. Frequently, this results in changes to the bills.

Bills are then “aged” by placing them in hard copy on the members’ desks seven days (exclusive of Sunday) prior to the Stated Meeting at which we intend to pass them. They are made available in electronic format on the Council’s website shortly thereafter.

Throughout this entire process the Council tracks all correspondence received for or against every bill.

To directly address the concerns raised in the Preliminary Report that the Council’s legislative process affords “limited opportunities for public input or consultation with experts, affected agencies, and critical stakeholders,” I want to reiterate that:

- Any person may correspond with or ask to meet a Sponsor, or any member of this body, or the Legislative Staff, including myself, to discuss any legislation at any time after it has been introduced.
- Any person may testify remotely or in person at any initial public hearing on legislation.
- Any person may submit testimony in writing for inclusion on the record following any public hearing.
- Any person may send letters of support or opposition to any legislation at any time.
- The Council actively engages with the Administration and city agencies.
- And the Council actively solicits feedback from stakeholders and experts known to us.

### **The Particular Example of the How Many Stops Act**

Specific concerns were raised about Introduction 586 (Local Law 43 for the year 2024) also known as the “How Many Stops Act.” The concerns expressed were that “critical stakeholders ... are afforded only limited opportunities to provide input after introduction,” and that there is an “absence of consultation and deliberation.”

I would like to refute that.

First, Introduction 586-2022 was originally introduced in the prior session. The Public Advocate, Jumaane Williams, reintroduced this bill on July 14, 2022, and it bill was heard in the Public Safety Committee on March 27, 2023—256 days after its introduction.

That hearing lasted over four hours. Testimony was received from the NYPD, the Law Department, CCRB and twenty other witnesses. More than twenty organizations and individuals submitted written testimony.

In the 268 days between that hearing and the bill’s enactment, Legislative Division Staff met multiple times with various stakeholders on the package of legislation that included Int. 586, including seven formal meetings between May and December of 2023 with representatives of the NYPD and the Mayor’s Office. Throughout these discussions, the Council repeatedly

asked NYPD to suggest compromise language that would address their concerns but keep level 1 stop reporting. That language never materialized.

During this time, we also received 568 pieces of correspondence on this bill.

In July of 2023, the bill was presented in the Democratic Conference to solicit feedback from Council Members. It was presented a second time in early December.

If anyone was interested in making their opinion known on this legislation in the 524 days between this bill's introduction and its approval by the Council, all they had to do was send an email or pick up the phone. To suggest that "critical stakeholders" had no idea what was happening, or no idea how they could contact the Council to express their concerns, is absolute nonsense and does not warrant sincere consideration.

### **Contrast with the Administration**

Finally, I want to contrast the Council's legislative process with that of the Administration.

Part of the reason the Council's legislative process has drawn any attention is because it is open and transparent. That fact invites criticism. But most of the decisions that the Mayor and city agencies make daily affecting operations and policy require no public process at all. No fiscal impact statements are required, no public input is solicited, and no explanations are given. And because there is no public process for these decisions, our attention is focused on fine tuning the public process of one branch of city government that actually has one.

Frequently, the only meaningful debate on the Mayor's public policy decisions occurs at the Council, at oversight hearings, or while considering legislation. Weakening the Council's ability to impact policy through legislation only empowers the office of the Mayor to set policy with no input whatsoever.

Furthermore, when the Council is considering a bill that affects the operation of city government we always engage with the agencies or entities that we are regulating. We welcome the expression of legal, fiscal, logistical, and operational concerns. And we make amendments where we can without sacrificing the policy vision of the Council.

As I testify today, we are three days away from what will likely be your final vote to approve ballot measures that may directly impact the operations of the New York City Council. And which may have serious implications to how public policy is formed in New York City. And as of today, no one knows what those measures will be. No one has been given an opportunity to meaningfully comment on them. And no one will have an opportunity to improve them through debate and public discourse. Least of all the entity you are seeking to regulate.

If this Charter Commission is legitimately concerned about the ability of stakeholders to provide input during the legislative process, then it must recognize that it is currently engaged in a legislative process, and it is failing to meet even the most basic requirements for openness and transparency.

*End testimony.*