

The City Clerk – Wait, Who?

by The City Clerk – Wait, Who?
Monday, August 20, 2007 12:00 AM -

He or she keeps city records, officiates at marriages and receives a six-figure salary larger than members of the City Council and the state Legislature. That person is the city clerk or the clerk of the City Council, whichever you prefer to call it.

An often ignored position, the clerk holds a political appointment made by the City Council that carries impressive compensation and, some think, a modicum of responsibility. So, when former City Councilmember Victor Robles unexpectedly retired after six years at the beginning of August, political posturing began almost immediately.

Before the council sits down to debate who should get the position – whether he or she should be from the Bronx or Brooklyn, Manhattan or Queens, maybe even Staten Island - what exactly does the clerk do and are the responsibilities worth \$174,399 of your tax dollars? **A**

Recording History

Since the consolidation of the five boroughs in 1898 and the establishment of a citywide legislative body, there has been a [citywide record keeper](#).

At the turn of the century, the position required keeping records for the City Council's predecessor – the Board of Aldermen. By the turn of the millennium, the clerk's position included oversight of the city's marriage bureau and guarding the records of the city's lobbyists.

A proposed City Charter dating back to the 1920s doles out these responsibilities to the legislative body's clerk: "The Board (referring to the Board of Aldermen) shall choose a clerk and shall keep and publish a journal of its proceedings, and its proceedings shall be public except when by a two-third vote of all of its qualified members it shall declare that the public welfare requires secrecy."

In comparison, today's [City Charter](#) lays out the duties of the city clerk over two pages, not one paragraph, and states: "The city clerk shall keep the record of the proceedings of the council (and it) shall be deemed a public record of such local laws."

Over the last century the position has progressed from secrecy to openness and from transcribing to performing other city services. **Signing Off and Overseeing 'I Do'**

Unlike [county clerks](#), who keep records of the city's judicial proceedings, the city clerk sticks to the legislative and administrative filings.

The clerk is required to sign all official documents and keep all city documents and all proceedings of the City Council. He or she must ceremonially sign off on the annual budget, administer oaths of office, issue marriage licenses and register lobbyists.

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"It's a very important agency that affects a lot of people," said Michael McSweeney, the city's first deputy clerk, who is acting city clerk until a replacement is named. "The agency is a revenue producing agency for the city."

The inability to carry out some of those responsibilities, however, recently mired the office in scandal. Earlier this year, the Bronx Marriage Bureau [was closing early](#), turning away several individuals looking to tie the knot. This gave the relatively quiet office some unflattering [headlines](#).

These incidents could pose interesting challenges for the upcoming city clerk. **Accepting the Appointment**

Since the City Council was established in the late 1930s, the City Charter has not said much regarding the selection of the city clerk - only "the council will appoint a clerk."

The details have been left up to those who are serving in the body at the time, political observers said, leaving much of the arm twisting to the city's political chairs or the council's speaker.

"This is a non-elected job that provides a means for public officials to provide patronage," said political consultant Hank Sheinkopf. "It's always been politicalâ€¦ (But) it's a meaningful position."

Others see the position as less influential. "I would mostly think of it more as a patronage operation," said Steven Cohen, a professor of public administration at Columbia University. "It actually is a throwback to when the council was mainly involved in naming streets."

Formally, the council accepts recommendations for the position, which can come from anyone. But the most influential nominations, officials and political observers said, come from party leaders, the speaker's office or borough delegations.

The Democratic caucus of the council will meet to discuss the candidates, and then send its recommendation to the council's [Committee on Rules, Privileges and Elections](#). If approved in committee, the appointment is then sent to the full body where a majority of the council, or 26 members, must approve it.

Although some say the process has become less politically polarizing than it once was, City Hall insiders said posturing for one candidate or another, in this case for candidates from one borough or another, is inevitable. **Political Patronage**

Based upon relatively recent history, the clerk position tends to rotate from borough to borough. Former Mayor David Dinkins, who served as the clerk from 1975 to 1985, was a

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Manhattanite, while his successor, Carlos Cuevas, was from the Bronx. Robles is from Brooklyn.

That pattern, however, won't stop some county Democratic leaders from attempting to clinch the position for their borough anyway. State Assemblymember Vito Lopez, the Kings County Democratic committee chair, said he hopes to make a Brooklyn-based recommendation to the council in the next two weeks. Right now, he added, [Councilmember Erik Dilan](#) is the frontrunner.

"I think politics and political process are very healthy," said Lopez. "Will the final decision have some politics involved? The answer is yes"

And for the Brooklyn-based Democratic Party, Lopez said, they already have a numerical advantage (the borough has the largest delegation). "Since Brooklyn is the largest borough," the assemblymember added, "I think we will find a very confident and competent person."

Calls for comment to the Bronx County Democratic leader, Assemblyman Jose Rivera, and the New York County Democratic leader, Assemblyman Herman Farrell, were not returned. But in [other media accounts](#), Rivera has said he has submitted a recommendation for [Bronx County Clerk Hector Diaz](#)

When McSweeney was asked whether he would like to seek the position on a more permanent basis, he said, "My only focus is to make sure that the agency is running efficiently during the interimâ€¦ I'm just looking to do the best job that I can." He declined further comment. **Filling the Vacancy**

City officials said the appointment of the city clerk would probably occur in the next several months. In response to the vacancy and the upcoming process, [City Council Speaker Christine Quinn](#) released the following statement:

"Since the decision of Victor Robles to retire as City Clerk, the City Council has received a number of recommendations for his replacement. The council will carefully consider all of these recommendations."

And it seems some in City Hall are completely confident in Quinn's ability to lead an open selection process.

"I think the speaker will allow this process to be vetted among her members and amongst the delegations of the boroughs," said Mike Nieves, senior adviser to Council Majority Leader Joel Rivera. "Do I think some people are going to try to play politics? Yes, that always happens."

Why Be The Clerk?

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While the city clerk is not an inherently political position, some have used it to their political advantage. Dinkins served as clerk for a decade until he won the Manhattan borough presidency and subsequently became mayor. More recently, [Robles](#) took on the clerkship in 2001 when he was term limited from the City Council.

Whether it's [avoiding the political graveyard](#) or a layover in between lower and higher office, the job is attractive to many -- whatever its limited power.

"It was a typical old Tammany patronage position," said political consultant Joseph Mercurio, referring to the city's historic political machinery and the selection of the city clerk. "It's really one of those confusing positions that doesn't necessary have a purpose. It's like keeping public advocates. You need a place for the incumbent."Â