



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony to the
Committee on Technology in Government of the New York City Council
On Intro 132, Re: Webcasting of Public Meetings and Hearings
April 29, 2013

Good morning, Chair Cabrera, and other members of the Committee on Technology in Government. My name is Rachael Fauss, and I am the Policy and Research Manager of Citizens Union of the City of New York. 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.

Before turning to the legislation, we would like to acknowledge the important support and initiative of the Council for increasing transparency in government, both by leading by example in webcasting its own meetings and hearings, and by passing important legislation such as the Open Data Law last year. We believe that passage of Intro 132 will add to this important record. We would also like to acknowledge the efforts of the Mayor's Office of Media and Entertainment in this area, as they have partnered with the Council in broadcasting proceedings on the NYC Government Channel, and have met with Citizens Union and other members of the New York City Transparency Working Group on these issues.

Requiring city agencies, commissions, and task forces and the council to webcast their public meetings and hearings will increase their accessibility, allowing the public to easily view meetings from any location with internet access. Webcasting also importantly allows stakeholders, including small non-profit organizations like ours, and members of the press to more easily monitor government proceedings. The media and advocacy organizations in turn relay information obtained by watching webcasted proceedings to the public, and so webcasted proceedings reach far more people than those directly watching them live. Further, given that government proceedings often occur during the daytime when most New Yorkers are unable to attend, archiving the webcasts will allow New Yorkers to see government in action at any time, and provide an additional public record of the meetings. We believe that this will allow for greater accountability of government.

Many city agencies and commissions already webcast their meetings, among them the Campaign Finance Board, the city's pension fund boards, the 2010 Charter Revision Commission, and the most recent City Districting Commission. One option for webcasting is through Livestream, which has been used by many government entities,

including its free service which includes ads; House Speaker John Boehner, the Department of Information Technology and Telecommunications, the City's Department of Education, and others have used the service for free with ads. The paid, ad-free version is also commonly used by government, including city entities such as the New York City Campaign Finance Board, the Voter Assistance Advisory Committee and the Mayor's office for only \$350 a month, and has been used at the state level by the New York State Senate for its committee meetings and hearings. Citizens Union believes that this low cost demonstrates the feasibility for across-the-board webcasting by all city government entities.

We would also like to address the application of the legislation to agencies such as the Board of Elections in the City of New York (the Board), which receive significant funds from the City budget, but are created through state law. Former Governor Spitzer's Executive Order 3 from 2007, which has been continued under Governor Cuomo, requires New York State agencies and commissions to webcast their meetings, defining state agencies as "any state agency, department, office, board, commission or other instrumentality of the State." We have attached the Executive Order to this testimony for your information. Citizens Union believes that the order applies to the Board, though the Board has not followed its directive. We request the Council ask the Board to provide its rationale for why it is not covered by the Executive Order.

Irrespective of whether the Board is subject to the Executive Order, we believe the Council has the authority to require the Board to webcast, and should amend Intro 132 to include any board funded by the city, including the Board of Elections. A law is more permanent than an Executive Order and because the Board is funded by the city, it is appropriate that it be more closely monitored through webcasting to ensure efficient use of taxpayer dollars. We do not believe that any government agency – whether state, city, or something in between – should fall through the cracks of efforts to increase transparency in government.

It should be noted that §103 of the New York State Open Meetings Law¹ allows private individuals to photograph, broadcast or webcast government proceedings that are open to the public. It would be disappointing, however, to have to rely on private citizens to webcast government meetings; we therefore ask that the Council pass Intro 132, and ensure that it covers all city government entities.

Thank you again for holding this hearing and allowing Citizens Union to present its views.

¹ <http://www.dos.ny.gov/coog/openmeetlaw.html>



EXECUTIVE ORDER No 3 (Spitzer):

PROMOTION OF PUBLIC ACCESS TO GOVERNMENT DECISIONMAKING

WHEREAS, it is essential to the maintenance of a democratic society that the public business be performed in an open and public manner; and

WHEREAS, the citizens of this State be fully aware of and able to observe the performances of public officials and attend and listen to the deliberations and decisions that go into the making of public policy; and

WHEREAS, the people must be able to remain informed if they are to retain control over those who are their public servants; and

WHEREAS, the Open Meetings Law requires every meeting of a public body shall be open to the general public; and

WHEREAS, the majority of New Yorkers are unable to attend such meetings; and

WHEREAS advances in technology allow for the broadcast of meetings on the Internet through the use of webcasting;

NOW, THEREFORE, I, Eliot Spitzer, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

1. Definitions

"Agency" shall mean any state agency, department, office, board, commission or other instrumentality of the State, other than a public authority.

"Public authority" shall mean a public authority or public benefit corporation created by or existing under any State law, at least one of whose members is appointed by the Governor (including any subsidiaries of such public authority or public benefit corporation), other than an interstate or international authority or public benefit corporation.

2. Requirement to Broadcast Public Meetings

By March 1, 2007, every agency and public authority shall submit to the Secretary to the Governor a plan that: (a) identifies all meetings of such agency or authority that are subject to the Open Meetings Law; and (b) specifies a timetable for ensuring that all such meetings are broadcast on the Internet. Such plan may identify circumstances in which such webcasting is either impractical or inappropriate, and may seek approval for exemption from the requirement for webcasting. Except in those circumstances where an exemption is granted, all agency and authority meetings that are subject to the Open Meetings Law shall be broadcast on the Internet commencing no later than July 1, 2007. Every agency and public authority shall submit a report to the Secretary to the Governor by December 31, 2007, setting forth the number of meetings webcast during the prior year, together with a summary of any comments received from the public regarding the webcasting, and any recommendations for changes or improvements to the program.

G I V E N under my hand and the Privy Seal of the State in the City of Albany this first day of January in the year two thousand seven.

Eliot Spitzer, Governor
Richard Baum, Secretary to the Governor

Available at:

http://www.governor.ny.gov/archive/spitzer/executiveorders/eo_3.html